

LORDS LIEUTENANTS  
IN THE  
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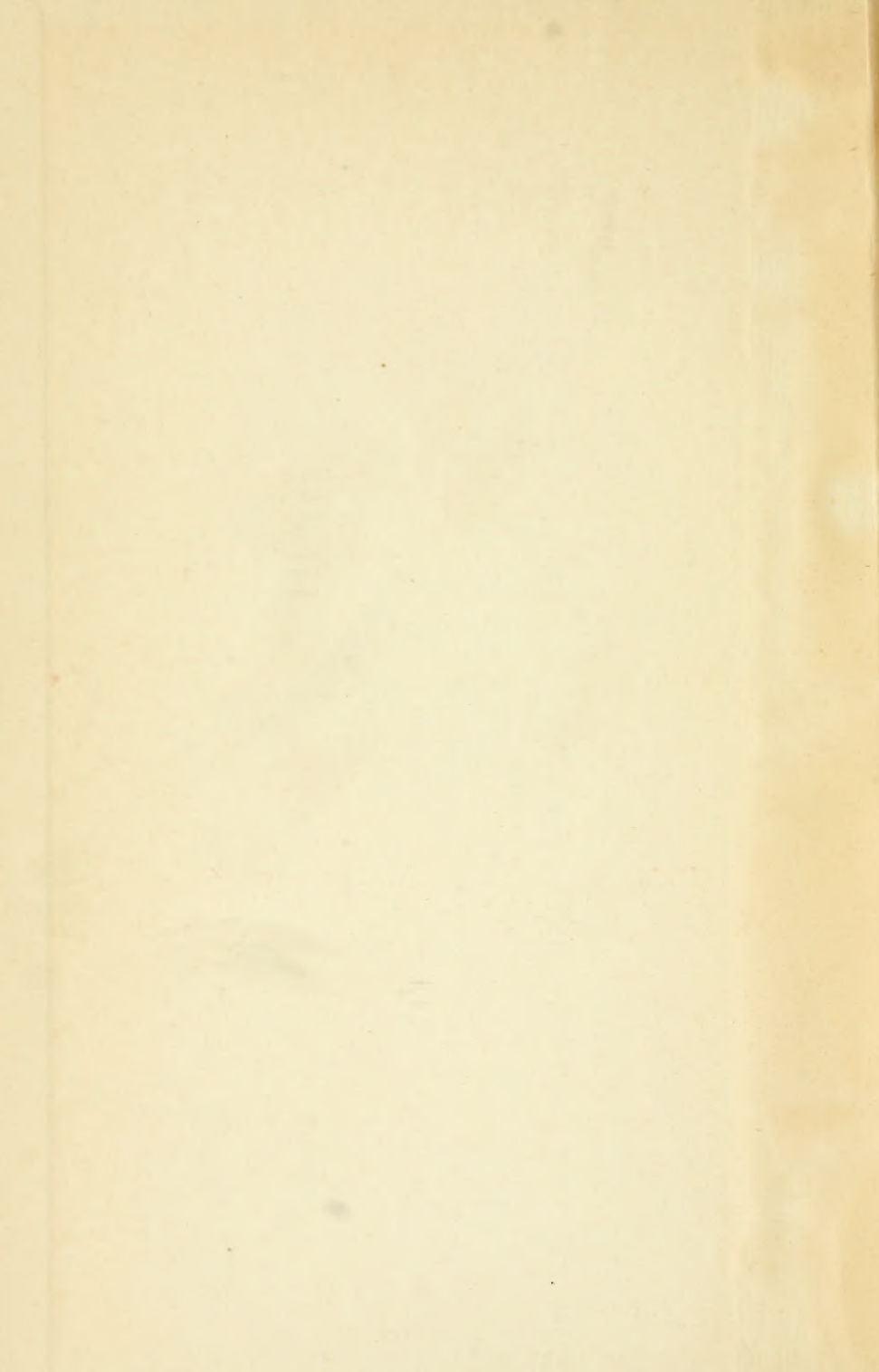
GLADYS SCOTT THOMSON

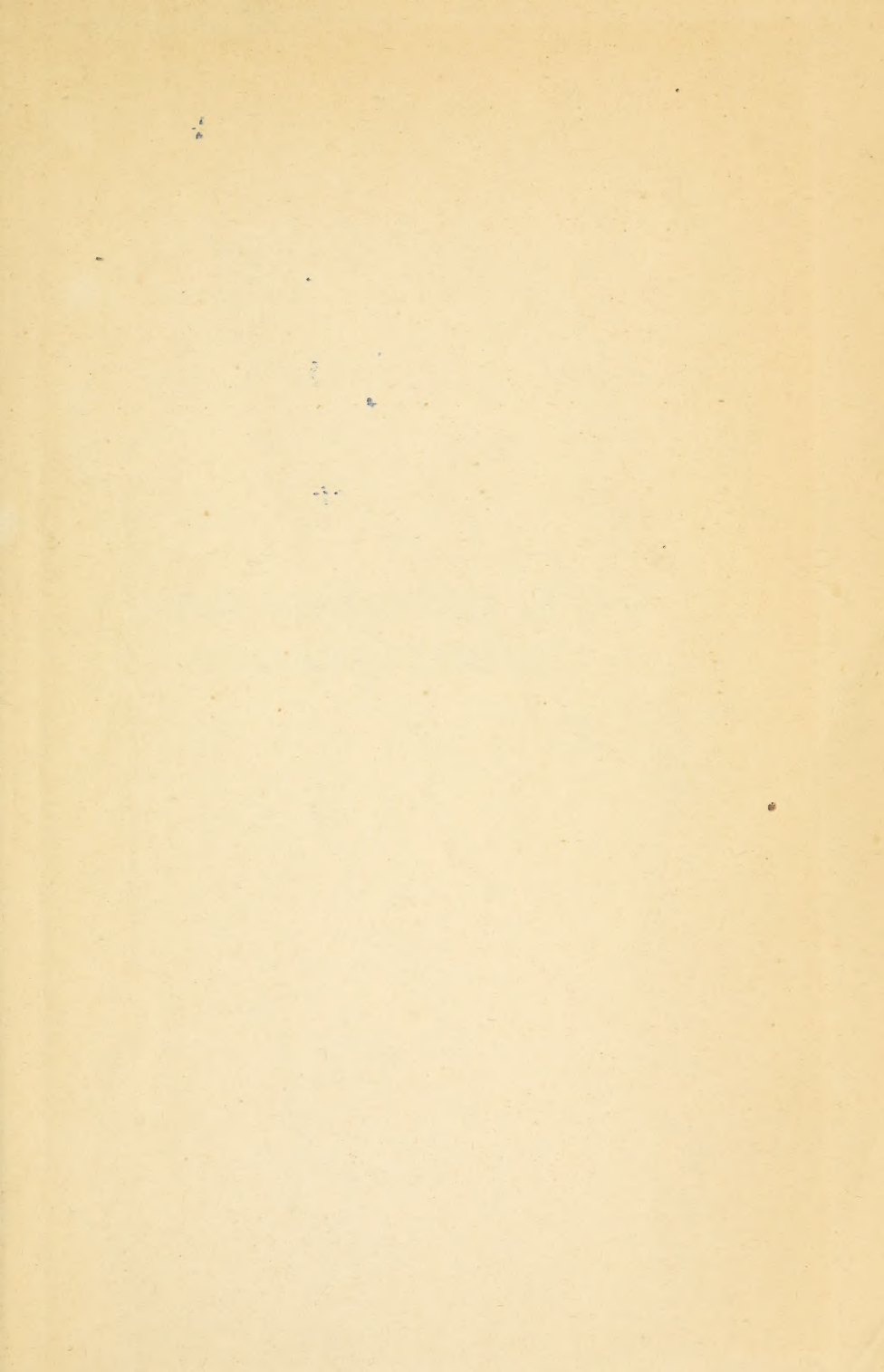
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LORDS LIEUTENANTS IN THE  
SIXTEENTH CENTURY





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# LORDS LIEUTENANTS IN THE SIXTEENTH CENTURY

A STUDY IN TUDOR LOCAL  
ADMINISTRATION

BY

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## PREFACE

NEARLY nine years ago the Regius Professor of Modern History in the University of Oxford suggested to me that I should attempt some investigation into county government in the sixteenth century. The work was scarcely begun when the exigencies of the war caused it to be laid on one side. I had, however, already come to the conclusion that such an investigation might profitably begin with an examination of the figure of the Lord Lieutenant, the local magnate who was the representative of the Crown. Accordingly, when the work was resumed I directed my inquiries towards the origin and growth of his office. The result is embodied in this monograph. I am very conscious of its many defects. The task would have been an easier and simpler one had the Lieutenancy been a cut-and-dried scheme imposed upon all England at a given date. It was so far from being this that I have only ventured to indicate tentatively, and on the most general lines, the years which appear to me the most significant in its development.

The danger of trying to fix dates too exactly was evident. The danger of making too precise statements concerning the local distribution of Lieutenants or their activities in particular districts was even more so. An adequate survey of the office could be made only by tracing its history in each of the forty geographical counties of England as well as in such administrative units as at any time acquired the honour of a Lieutenant of their own, or claimed exemption from the jurisdiction of the Lieutenant of the county at large in which they lay. In attempting a general view of the working of the system I have drawn my illustrations from as many counties as possible, but there are many pitfalls awaiting anyone rash enough to generalize concerning the office, and I cannot hope to have escaped them all.

I have received much generous kindness from the owners and custodians of MSS., and I have to express my especial thanks to the following: To the Archbishop of Canterbury for his permission to print documents from the MS. volume No. 247 in Lambeth Palace Library; to the Duke of Bedford for his unfailing kindness in allowing me to examine the MSS. at Woburn Abbey, and for his permission to print various letters; to the Earl of Derby for allowing me to have a copy of the Commission of Lieutenancy preserved at Knowsley, and for his permission to print the same; to the Chapter of the College of Arms for allowing me access to the Talbot MSS., and for their permission to print extracts from the same; and to the Northamptonshire Record Society for their kind loan of a MS. muster-book for Northamptonshire, and permission to print the Commission of Lieutenancy contained in it.

I also have to thank the Controller of His Majesty's Stationery Office for permission to print extracts from the State Papers, Domestic Series; Acts of the Privy Council, edited by Sir J. R. Dasent; and the Reports of the Historical Manuscripts Commission.

The writing of this monograph has taught me how ungrudgingly help and encouragement are given. I owe a debt of gratitude to many who have given me that help and encouragement, among them in particular Sir Charles Firth and Dr. Hubert Hall, late of the Public Record Office.

Lastly, I have to thank Mr. Austen Lane Poole, Fellow of St. John's College, Oxford, for his kindness in undertaking the wearisome task of reading the proof-sheets.

OXFORD, *December* 1922.



# AUTHORITIES

## DOCUMENTARY

*Appointment of Lieutenants and Deputy Lieutenants.*—A certain number of sixteenth-century Commissions of Lieutenancy are entered on the *Patent Rolls*, but by no means all those which were actually issued. Other official papers supply additional information. Two *Docquet Books* are invaluable. The one among the *Royal MSS.* at the British Museum begins in October, 1550, and continues until July, 1553; it gives transcripts of Commissions as well as lists of names of Lieutenants. The other, at the Public Record Office, covers the period 1595–1602/3, and is particularly useful for tracing the appointment of Deputy Lieutenants in the various counties during those years. Many lists of names of Lieutenants and Deputies, as well as notices concerning the issue of Commissions can be found among the *State Papers, Domestic Series*, and the *Acts of the Privy Council*. As always, the Cecil papers among the *Lansdowne MSS.* and at Hatfield supplement the strictly official sources.

The original Commissions sent to the holders of the office have only too often disappeared. But nothing like an adequate inquiry has been made for them, and there may well still be many to come to light in private muniment rooms. Copies of the Commissions, or entries concerning them, were not infrequently inserted in one of the muster-books for the county. Some account of early Commissions known to exist, or transcripts of them found in muster-books, is given in the text and notes.

*The Working of the System.*—Some information as to the authority of Lieutenants and the taking of musters is supplied by the *Statutes of the Realm*, but far more may be gathered from the instructions set forth by the Crown and Council. The Lieutenants were peculiarly the representatives of the Crown, and their duties were performed under the direct supervision of the Council.

For the Lieutenancy in embryo under Henry VIII the chief sources of information are the *Letters and Papers*. A MS.

volume at Woburn Abbey (cf. *2nd Report of the Historical Manuscripts Commission*, Appendix, sect. 1), labelled *Russell Correspondence*, contains, among other papers, the correspondence relative to the Commission of Array or Lieutenancy granted to Lord Russell for the west of England in 1545. These letters are copies of those among the State Papers and calendared in the *Letters and Papers*. For the sake of convenience the references in the text are given to the *Letters and Papers* only. Documents concerning a Commission issued to the Earl of Derby for Lancaster, Chester, and neighbouring counties are included in Volume XIX of the Chetham Society (*Derby Correspondence*).

For the Lieutenancy under Edward VI, Mary and Elizabeth the *State Papers*, *Domestic Series*, and the *Acts of the Privy Council* are of primary importance. Here may be found notes of all kinds concerning the authority of the Lieutenants, as well as copies of the general instructions which were sent to each holder of the office. But even more useful for a knowledge of the actual working of the system than the general instructions is the correspondence of the Lieutenants, not only with the Council, but also with their Deputies and others in the counties, concerning military organisation as well as their many other activities. It must always be a matter for profound thankfulness for anyone undertaking research into methods of government in the sixteenth century that the Tudor squires were such prolific letter-writers, and that the Council insisted upon knowing everything that went on within the counties. There are innumerable references in the *Acts of the Privy Council* to letters sent to the Lieutenants or their Deputies, or received from them. The *State Papers* add many other letters and papers. A certain number of these concerning the preparations made to meet the long-awaited attack by Spain were collected and printed in 1789, in which year John Bruce, M.P., F.S.A., Keeper of the State Papers, drew up, at the request of Pitt and Henry Dundas, a *Report on the Arrangements which were made for the Internal Defence of these Kingdoms, when Spain, by its Armada, projected the Invasion and Conquest of England; and Application of the wise Proceedings of our Ancestors to the present Crisis of Public Safety*. An Appendix was added to the Report of documents inspected by Pitt and Dundas, and arranged and transcribed by Robert Lemon, Sen., Deputy Keeper of the State Papers. Twenty-five copies only were printed for the use of the Cabinet.

Collections of private letters and papers are no less valuable



than the official sources. It is possible to indicate some only of these. The *Talbot MSS.* at the College of Arms afford a considerable amount of information concerning the Commissions of Lieutenancy issued at various times to the Earls of Shrewsbury for the counties of York, Stafford, Notts, and Derby. Letters at Woburn Abbey reflect the relations between the second Earl of Bedford as Lieutenant in the west and his friend Richard Grenville, sometime Sheriff of Cornwall. Many of these collections have been calendared. The volumes of the Historical Manuscripts Commission are here of the greatest value, and they have been freely used in this monograph, particularly the *Hatfield MSS.*, Vol. I of the *Duke of Rutland's MSS. at Belvoir*, and Vol. I of *Earl Cowper's MSS. at Melbourne Hall (The Coke MSS.)*. To the Historical Manuscripts Commission volumes must be added such publications as the *Stiffkey Papers* (Norfolk), edited by H. W. Saunders for the Royal Historical Society, and the volumes of the Chetham Society, which are a mine of information for Lancashire. Kempe's *Losely MSS.* throw much light on the working of the Lieutenancy in Surrey, and Moule's *Weymouth and Melcombe Regis Documents* are useful for its history in Dorset.

Other available records for the history of the Lieutenancy are muster-books. These may be divided into two classes. The first are not, strictly speaking, muster-books at all, but are often called so. They consist of a collection of papers of all kinds referring to the military organisation of England in general. One such, in the possession of George Savile Foljambe, Esq., at Osberton, has been fully described in the *15th Report of the Historical Manuscripts Commission*. There is another in Lambeth Palace Library. Some documents in the two books are identical but by no means all. Both contain documents not now to be found among the State Papers. Four papers taken from the Lambeth book are printed in the Appendix to this volume.

The second class are the muster-books proper. These had to be kept by the authorities of each county for the purpose of recording the names and numbers of the men levied and trained in each district. These books are extremely useful, not only for tracing the history of the Lieutenancy in any particular locality, but also for local history in general. Fortunately a certain number have come into the possession of libraries or record societies, and there is reason to believe that there are others in existence. References to some of these books are given in the footnotes.

## HISTORICAL AND LEGAL

References to the historical and legal authorities quoted are given in the notes, but it may not be out of place here to mention two in especial. Mr. and Mrs. Sidney Webb's volumes, *English Local Government from the Revolution to the Municipal Corporation Act* deal only with local government after 1689; nevertheless they are indispensable to anyone investigating its history in the preceding centuries. Again and again their references and footnotes lead back to the right source of information for an earlier period.

All students of sixteenth-century history are deeply indebted to Dr. Tanner's invaluable volume, *Tudor Constitutional Documents*, which includes a section on local government. The greater part of this monograph was already written when the book came into my hands, but in revising I have omitted certain matters with which he has dealt more fully and far more adequately than I was able to do, and, as far as possible, I have added references to the documents he has printed.

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### *Errata.*

- P. 56, l. 4 from end of text, *for* his Lieutenancy *read* his son's Lieutenancy.
- P. 66, l. 8 from end of text, *for* Sir William Hatton *read* Sir Christopher Hatton.
- P. 72, l. 11, *for* eleven northern counties *read* eleven counties.

# LORDS LIEUTENANTS IN THE SIXTEENTH CENTURY

## CHAPTER I

### THE CROWN AND THE COUNTIES

THE office of His or Her Majesty's Lieutenant for a county or counties began as a temporary military post, and the story of its origin and growth might be considered to belong to military history. But it belongs also to the history of local administration. Not only was the organisation of the levies part of the common life of every county, but as time progressed those matters with which the Lieutenant and his Deputies were called upon to deal in the service of the Crown demanded at least as much administrative skill as aptitude in the military arts.

Like so much else in the Constitution, the scheme developed slowly and almost at haphazard in response to the needs of the moment, and during the sixteenth century it underwent considerable variations. In one sense it may be said that throughout the period it scarcely passed beyond the experimental stage, yet nevertheless it played by no means an unimportant part as an organ of local government.

Strype, in his well-known passage, assigned the first appointment of Lieutenants to a year of 'rouths and uproars,'<sup>1</sup> and William Harrison defined them as noblemen set over the shire in time of necessity.<sup>2</sup> As

<sup>1</sup> *Ecclesiastical Memoirs* (ed. 1822), Vol. II, p. 278.

<sup>2</sup> *The Description of England* (Holingshed, 1587), p. 155. Cf. also Blackstone, *Commentaries*, Vol. I, p. 441.

appears from the documents connected with the Lieutenancy, both writers were undoubtedly correct in their view of the origin of the scheme.

The problem of the control of the counties in any time of discontent or incipient rebellion was, indeed, for the Tudors, always a matter for anxious consideration. No one was better aware than they that a commotion might easily be excited in any district in England which would end in depriving them of the throne. Nor did the danger lessen as time progressed; on the contrary, the doubtful title of the first of the dynasty was by no means the weakest link in the chain, and the three children of Henry VIII had to face graver dangers than those which had confronted grandfather or father. Not only did the full force of the religious and economic revolution fall upon them, but the nature of Henry VIII's excursions into matrimony gave excuse for rebellion to those to whom it was convenient to regard Mary or Elizabeth, or both of them, as illegitimate. Henry VIII reigned as the son of his father, and of the Tudors he, the tyrant, perhaps sat the firmest on the throne. Certainly, although on varying grounds, none of his three children ever felt themselves completely secure.

Under those circumstances the effective control of every district in England became a matter of pressing necessity. It was as characteristic of English methods of administration in general, as of those of the Tudors in particular, that in order to secure this control they did not create a new system of local government, but proceeded along the paths already marked out.

In many respects the Crown in England was favourably placed in relation to the provincial districts. Dr. Redlich has remarked that the institution of the Justices of the Peace enabled England to rid itself of feudalism a century earlier than the Continent.<sup>1</sup>

<sup>1</sup> Redlich and Hirst, *Local Government in England*, Vol. I, p. 15.



By 1485 the work of defeudalising local government had been to a great extent accomplished and the Justices of the Peace were undertaking the administrative work as well as the judicial duties of the counties, not only superseding the feudal lord, but encroaching very considerably on the sphere of the Sheriff.<sup>1</sup>

These men stood in a peculiar relation to the Crown ; it nominated them by means of Commissions from among the landowners of the county ; they held office during its pleasure ; an appeal from their judicial decisions lay to the King's Courts ; their administrative work was from the first supervised by Crown and Council<sup>2</sup>—a supervision which under the Tudors became close indeed.

The Commissions were limited in two directions only. The recipient had to own land of a specific value.<sup>3</sup> By custom—a custom which was not broken through—his jurisdiction extended only to the boundaries of that county, or county corporate, or special district for which he was named.<sup>4</sup> Otherwise the Crown had a free hand. No fixed rule determined either the number of Justices to be appointed for any one county or their local distribution within it.<sup>5</sup> Again, while custom, or in some cases a charter, largely prescribed for which liberties

<sup>1</sup> Holdsworth, *A History of English Law* (ed. 1903), Vol. I, p. 124 ; cf. F. W. Maitland, *Justice and Police*, pp. 79, 80.

<sup>2</sup> 12 Rich. II, c. 10.

<sup>3</sup> 18 Hen. VI, c. 11.

<sup>4</sup> 'Each county hath her proper Commissioners for the Peace, and counties have not been conjoined in Commissions as they were sometimes before.'—Lambarde, *Eirenarcha* (ed. 1614), p. 22 (cf. 43 Eliz. c. 2). The normal division was the county, 'the deepest and most enduring of English divisions,' but there were always besides, as well as certain cities and towns, a number of liberties to which separate Commissions of the Peace were issued. For an account of these, see S. and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act : The Parish and the County*, pp. 310 seq.

<sup>5</sup> The original two or three for every county (34 Edw. III, c. 1) became six under Richard II (12 Rich. II, c. 10). As new duties were one after the other attached to the office this number was soon exceeded and henceforward any number might be appointed for any county.

and cities or boroughs special Commissions of the Peace should be issued, the final decision on this point also lay entirely within the discretion of the Crown.<sup>1</sup> Finally, the Justices might be, and during this epoch occasionally were, removed from office at the royal pleasure, although it is remarkable, in a period of such religious, political and social upheaval, how seldom this course was taken.

It is hardly possible to overestimate the significance of this system of government, which made the rulers of the county the nominees of the Crown. It had not been accepted by the country without a struggle. The battle had raged first round the question of an hereditary, then of an elective, shrievalty.<sup>2</sup> In each case the Crown had triumphed. It had triumphed again when Edward III had succeeded in keeping the appointment of Justices in his own hands, in spite of persistent demands that they should be elected by the freeholders of the county<sup>3</sup>—demands put forward by a Parliament which was composed of men drawn from the same class as the Justices themselves.<sup>4</sup>

There still remained, however, in the sixteenth century extra-comital districts of which the lord had the right to appoint his own Sheriff and Justices of the Peace. The three palatine areas of Lancaster, Chester and Durham, together with the Isle of Ely, were distinct

<sup>1</sup> Cf. Webb, *op. cit.* pp. 319, 320. What Mr. and Mrs. Webb say respecting the later seventeenth-century Commissions of Peace applies with equal, if not more, force to those of the sixteenth century.

<sup>2</sup> Stubbs, *Constitutional History of England* (ed. 1891), Vol. I, p. 295; Vol. II, pp. 217 *seq.*; cf. Maitland, *Justice and Police*, p. 79. For the Shrievalty of London see Webb, *op. cit.*, *The Manor and the Borough*, pp. 670 *seq.*

<sup>3</sup> Stubbs, *op. cit.*, Vol. II, pp. 454 *seq.*

<sup>4</sup> Maitland remarks, 'It is so common nowadays to regard our constitutional history as one long triumph of the elective principle, that it is well to notice that at two points this principle was persistently urged and finally defeated. Our ancestors wanted elective Sheriffs and they wanted elective Justices of the Peace. To this day our Sheriffs and our Justices are appointed by the King and I do not suppose that anyone would want them elected.'—*Constitutional History*, p. 207.

from the ordinary counties.<sup>1</sup> There was also the palatine jurisdiction enjoyed by the Archbishop of York in Hexhamshire.<sup>2</sup>

As it happened, the course of English history so ran that in dealing with these great franchises, which might conceivably have given a considerable amount of trouble, the advantage was all on the side of the Crown.<sup>3</sup> The earldom of Chester had belonged to the eldest son of the sovereign since 1301.<sup>4</sup> The duchy had passed automatically to the Crown itself by virtue of the Lancaster inheritance. Nor were the relations of the three ecclesiastics with the Crown parallel to those of lay feudal lords with their sovereign. For the purpose of consideration

<sup>1</sup> Ely was not strictly a palatinate, but was sometimes called so. Pembrokeshire, once a palatinate, was made an ordinary county by the statute of 1536 (27 Hen. VIII, c. 24).

<sup>2</sup> Hexhamshire was finally abolished as a palatinate in 1572 (14 Eliz. c. 13). For its history see Hind's *Northumberland*, Vol. III.

The Archbishop also seems to have had almost palatine jurisdiction in Southwell. For the rather complicated history of this liberty see *Victoria County History, Nottinghamshire*, Vol. II, pp. 152 *seq.*, and B. and C. Webb, *op. cit.*, *The Parish and the Country*, pp. 316, 317, footnote.

<sup>3</sup> Henry VIII dealt with the matter of these franchises very simply by getting an Act through Parliament (27 Hen. VIII, c. 24), which ordained that writs were to run within them and Commissions of Peace were to be issued to them in the King's name. In the case of Lancaster, however, writs and Commissions were still to be issued under the Seal of the Duchy. This was characteristic. The Crown had no objection to allowing the old forms to remain, indeed was anxious they should do so, as long as it retained for itself the substance of the power. The Act provided, however, that the Archbishop of York and his Chancellor, the Bishop of Durham and his Chancellor, and the Bishop of Ely and his Steward should always be Justices in their respective districts.

Mr. and Mrs. Webb regard this Act as a declaratory measure, chiefly important as paving the way for subsequent encroachments by the Crown upon private franchises (*op. cit.* p. 314, footnote). The regalities were restored to the Archbishop, at least for Hexhamshire and probably for Southwell, and to the two Bishops (Lambarde, *op. cit.* p. 25; 1 Mary III, c. 3). But from henceforward the tendency was for the Crown to diminish the regalities in its own interest whenever it was possible (*cf.* 1 Eliz. c. 19).

<sup>4</sup> Edward of Carnarvon was created Earl of Chester, as well as Prince of Wales, at the Parliament held at Lincoln (28 Edw. I).



of the general administration of the country, the salient fact is that the Bishops were not feudal lords by virtue of inheritance. Nor, it must be remembered, were the Sheriffs and Justices of the Peace whom they appointed, bound to them by those personal and family ties which counted for so much in the history of other feudatories—ties founded upon close association, not for a few years, but for generations.<sup>1</sup> Durham, both on account of its greater prominence and its geographical position, was infinitely the most dangerous of the three franchises, but the lord of Durham, like the other Bishops, was the nominee of the Crown.

The Parliament of Edward III had demanded elected Justices and had failed to get them. The Reformation Parliament showed no such disposition to enter into conflict with the King's 'most excellent wisdom' respecting the nomination of Bishops.<sup>2</sup> That change in Church government which was 'the complete assertion of all the royal powers over the clergy and ecclesiastical things which the laws of England had never ceased to maintain but which had never, or but grudgingly, been admitted by the curia,'<sup>3</sup> not only had a far-reaching effect upon the relations between the Crown and the Bishops, but also upon the position of the latter in their dioceses. The final exclusion of papal authority, the insistence by the Crown upon unquestioning obedience to its letters missive in the matter of elections to the episcopate, the free exercise of its powers of translation, made for increased authority in dealing with the various districts of the country.<sup>4</sup> But the changes went deeper

<sup>1</sup> The Countess of Westmoreland wrote, in 1539, to the Earl of Westmoreland that the men of Durham had sworn to rise at no command but the King's or the Earl's in the King's name.—*Letters and Papers, Henry VIII*, Vol. VII, Part I, No. 148.

<sup>2</sup> 25 Hen. VIII, c. 20.

<sup>3</sup> *Report of the Ecclesiastical Courts Commission* (1883), pp. xxxiv, xxxv.

<sup>4</sup> The question of arbitrary translation of Bishops by the Pope before 1534, and the possible effect upon the royal power in England,

than making the Bishops the nominees of the Crown. Not only the Crown, but England as a whole, had never looked with a favourable eye upon any class or corporation which had demanded immunities from the common law of the land or exemption from the common responsibilities of the subjects. Such immunities and exemptions had been freely granted to the Church and nobility on the Continent with ultimately disastrous results to the Crown, as well as to those to whom the immunities had been given. But the prevalence and persistence of the idea of legal equality, always strong in England, was never stronger than in the sixteenth century. Hence the Crown was able, with the agreement of Parliament, and, it may be added, of the nation as a whole, to secure, what it had always aimed, with varying success, at securing, namely, that the officers of the Church, as well as all others within the counties, should be subject to the ordinary law and take a share in the ordinary responsibilities of the commonwealth. The advantage was not all on the side of the Crown. One result of this policy was that the Bishops and their clergy stood within, not outside, the corporate life of the county—a fact which was destined to have considerable influence upon the relations of Church and State in England. The overwhelming social effects of the dissolution of the monasteries, inextricably entangled with the agrarian revolution, overshadowed the less prominent changes resulting from the new position of the Bishops, although these were already making themselves felt; but they can be better estimated towards the end of the century when the Anglican Church was emerging from storm and stress with a consciousness of its own identity.

Lastly, the ecclesiastical law which the Bishops

have been recently discussed by Mr. W. T. Waugh (*English Historical Review*, Vol. XXXVII, No. 146, pp. 195 seq.); *The Great Statute of Praemunire*. Mr. Waugh points out that it was a means whereby it was possible for the Pope to deprive the King of his counsellors.

administered within their dioceses became definitely a part of the law of the land, not to be altered except by the Crown in Parliament.<sup>1</sup>

Trouble might have occurred in another quarter. The battle which the municipalities of Western Europe had waged, sometimes against the Crown, sometimes against the feudal lord, lay or ecclesiastical, had been repeated, although with less intensity, in England. The time for this had now gone by, and the fact that, during this epoch and long after it, the towns had ceased to be the seats of industry and were also subordinate in political importance to the rural districts, affected the growth of the constitution as well as the whole of the social life of the country. Such writers as Boutmy and Redlich have commented on this subordination in terms but little complimentary to the towns. Thus Boutmy spoke of 'La Société agricole et pastorale, la seule qui compte,'<sup>2</sup> and Professor Redlich wrote :

'In the second half of the sixteenth century, the industries of many English towns declined. This explains much, for decaying bodies may easily allow political and municipal rights to slip out of their grasp and, speaking generally, English towns even before this time had lagged far behind those of Germany, the Low Countries, and France, both in commercial and social development.'<sup>3</sup>

It was definitely part of the Tudor policy to curtail municipal rights and liberties; many new charters were granted, but they handed over the government of the towns to a small select body. That no serious struggle ensued was in part due to the weakening of the municipalities as a consequence of the economic

<sup>1</sup> Anson, *Law and Custom of the Constitution* (ed. 1908), Vol. II, *The Crown*, pp. 231 seq.; Phillimore, *Ecclesiastical Law in the Church of England*, Vol. I, pp. 12-16.

<sup>2</sup> *Le Développement de la Constitution et de la Société Politique en Angleterre*, p. 182.

<sup>3</sup> Redlich and Hirst, *op. cit.*, Vol. I, pp. 27, 28.



and industrial revolution,<sup>1</sup> but in part also to other factors. The interests of the English burgher, even in the days of the supremacy of the towns, had never been so completely divorced from those of the landed gentry as were the interests of the burgher of the Empire, of France, of the Low Countries, from those of the neighbouring nobility. The English merchants, in short, had never formed a fourth estate, though they had perhaps come nearer to doing so during the fourteenth century than at any other time.<sup>2</sup> But even before the collapse of the feudal noblemen and the dissolution of the monasteries, the townsmen of England had evinced a tendency in growing prosperity to buy land instead of beautifying their town houses, after the manner of their continental brothers; the town merchant constantly became the country squire in spite of the opposition which was freely expressed by those who owned land already. The deep-rooted suspicion felt towards the newcomer to the land was only equalled in intensity by that instinct which drove the townsmen back to the land.

The movement began long before the sixteenth century and continued long beyond it. It was merely accelerated at that time. There was land to be had, it was an age of great commercial prosperity, and with the cessation of the Wars of the Roses it was possible to leave the safety of the town for the open life of the country.<sup>3</sup>

Again, the social gulf which existed on the Continent between the burgher and the landed gentry was absent in England, where the two classes constantly intermarried to the profit of each.

The immediate consequence was that the power of the

<sup>1</sup> Cf. Ashley, *Economic History*, Vol. I, Part II, pp. 44 seq.

<sup>2</sup> *Transactions of the Royal Historical Society*, New Series, Vol. IX; Alice Law, *The English Nouveaux Riches in the Fourteenth Century*.

<sup>3</sup> Froude, *History of England*, Vol. I, pp. 8 seq.; Johnson, *Disappearance of the Small Land Owner*, pp. 75 seq.

Crown in the sixteenth century rested upon an agricultural society. It was a society composed for the most part of representatives of those lesser gentry who had been for long years steadily making good their position at the expense of the feudal nobility.<sup>1</sup> The dissolution of the monasteries, together with the numerous sequestrations, gave them opportunity, of which they availed themselves, to increase their estates. At the same time their ranks were constantly recruited by newcomers from the towns.<sup>2</sup>

The society thus formed was in many respects extraordinarily homogeneous. Socially there was not in England then, as there is not now, any such thing as a noble class corresponding to the noblesse of France. Owing to the English system of inheritance by primogeniture the younger sons of the nobility took their place alongside the untitled gentry. At the same time both the yeoman and the townsman were potential purchasers of country estates. Dislike might be felt and expressed towards the newcomer, but his sons and those of the older families of the landed gentry, whether titled or no, were to all intents and purposes on an equality. It was an equality founded very largely on community of interests arising from mutually sharing in all the varied activities of the country gentleman's life.

Such were the inhabitants of the county in whom the

<sup>1</sup> For the growing prosperity of the yeomen and the lesser gentry both before and subsequent to 1485, see Stubbs, Vol. III, pp. 570 *seq.*; Oman, *Royal Historical Society Transactions*, New Series, Vol. IX, p. 171; R. E. Prothero, *English Farming Past and Present*, pp. 82 *seq.*

<sup>2</sup> Professor Savine, *Oxford Legal and Historical Studies*, Vol. I, *The Valor Ecclesiasticus* and Mr. Fisher, *Political History of England*, Vol. V, App. pp. 499 *seq.* have pointed out that the majority of purchasers of the monastic lands were men who owned land already. The buyers, however, as it appears from the entries in the books of the Court of Augmentations, constantly obtained licences to alienate part of their purchases. Doubtless those who bought from them were often those townsmen who incurred the censure of Latimer, Lever, and others. Cf. also R. E. Prothero, *op. cit.* pp. 85, 86.

Crown put its trust 'for wisdom and discretion.' They were required to work the machinery of the State. They were required also to support the Crown. The Tudors were well aware that without their goodwill the dynasty could not survive.

It was true enough that the Justices were not feudal lords, but the landowner who was nominated by the Crown for service in his county was also very far removed from being a paid official. He was a local man identified with local interests. He and his fellows in the district formed a close community bound to one another by all kinds of ties, family and social. Had these men refused to do the service required of them, had they been antagonistic to the Crown, it is difficult to see what method could have been successfully adopted to subdue them, since the Crown in England had not that of which the French Crown had long since possessed itself, a standing army wherewith to enforce its supremacy. It was the county gentry themselves, with the others of their district, who composed the army of England.

The military system had rested upon the feudal levy and the national levy. But Henry VII had given the feudal levy, shaken long before, its death-blow. All that remained was the national levy.<sup>1</sup>

It was an army founded on the theory that military service was as much a part of the normal duty of every dweller within the county, whosoever he was, as assisting with the work of justice or contributing towards subsidies. That theory of military service, however, implied two things, and two alone, namely, defence of the country and maintenance of civil order. Hence, while the Tudors knew how to use this doctrine of obligation for their own ends, they were at the same time well aware of the weaknesses and dangers inherent in the system.

<sup>1</sup> Anson, *op. cit.*, Vol. II, p. 168; Fortescue, *A History of the British Army*, Vol. I, p. 109; Prothero, *op. cit.* p. cxix.

As an effective fighting force for foreign service the national levy had always been useless to the Sovereign, since the men could not be called upon to serve outside their own counties except in case of invasion.<sup>1</sup> But there was another disadvantage also. The army thus raised might be inefficient, it might be that service in it was only half-heartedly done; but, inefficient or not, it might become at any moment a danger instead of a support to the Crown.

Paley, writing in 1789 and differentiating between the merits of a standing army and a militia, remarked:

'It appears doubtful whether any government can be long secure where the people are acquainted with the use of arms, and accustomed to resort to them. Every faction will find itself at the head of an army, every disgust will excite commotion, every commotion become a civil war. Nothing, perhaps, can govern a nation of armed citizens but that which governs an army—despotism.'<sup>2</sup>

The statement was true of the sixteenth century levies and the Tudors knew it and dealt with the situation.

A choice of ways lay before them. To continental eyes at least the normal procedure would have been to have created a standing army which could have been used for service abroad, as well as for the purpose of enforcing the supremacy of the Crown at home. But for whatever reason the Tudors decided against this, they did so decide.<sup>3</sup> They looked to the national levy to support the Crown. For that purpose it was necessary in times of emergency that the county levies should be more particularly under the control, not only of men whose loyalty could be, as far as it was possible to say

<sup>1</sup> Anson, *op. cit.*, Vol. II, p. 170.

<sup>2</sup> *Moral and Political Philosophy* (ed. 1825), Book VI, p. 461.

<sup>3</sup> Mr. Fortescue holds that both Mary and Elizabeth, each in her turn, missed the appropriate moment for the establishment of a standing army in England: Mary because she dared not risk the opprobrium such a step would have excited; Elizabeth because she hated war on account of its expense (*op. cit.* pp. 125, 130).



so, absolutely relied upon, but also those who were best suited for the work. There was a method of government which could be made use of for the purpose.

Commissions issued by the Crown by means of Letters Patent have played a significant part in the administrative history of England. The Crown now turned them to one of their many uses. In the first instance it frequently named two or three or more of the gentlemen of the county, often including the Bishop of the diocese in their number, to act as Commissioners for Musters for the purpose of superintending the calling up, viewing, arming, and training of the county levies. In times of special emergency other Commissions were issued, namely, Commissions of Lieutenancy, which placed the levies of a specified district, consisting of one or more counties, under the control of a single man, usually, though not invariably, a nobleman. Under Henry VIII these were military officers and little else besides, appointed only for a particular district during a time of crisis. By the end of the reign of Elizabeth they were playing a by no means unimportant part in the social and administrative history of the counties, though even so there was by no means a Lieutenant for every county in England.

## CHAPTER II

FROM HENRY VIII TO ELIZABETH

*Before 1549*

LIEUTENANTS of counties are sometimes said to have first come into existence under Henry VIII,<sup>1</sup> but that monarch appears to have followed expedients already familiar to the Crown, rather than actually to have organised a new scheme. When he wished to raise a fighting force other than the county levies, either to support the Crown in case of rebellion, or for service abroad, he had to hand an example the significance of which he was not in the least likely to ignore, an example which dated back to the end of the thirteenth century.

The history of Commissions of Array is closely connected with that of the Lieutenancy. In order to obtain an army, not only for warfare offensive or defensive, in Scotland or elsewhere, Edward I had issued such Commissions to certain trusted noblemen, ordering them to obtain, by impressing them or otherwise, a specified number of men from particular counties in England, the counties earliest selected for the purpose being those on the Marches.<sup>2</sup> This additional fighting force, together with the ordinary county levy, was placed under a Capitaneus in each county, in whom Dr. Stubbs saw the forerunner

<sup>1</sup> Anson, *op. cit.*, Vol. II, The Crown, p. 35; Von Gneist, *Communal-verfassung und Verwaltungsgerichte*, p. 110. But cf. Pollard, *Political History of England*, Vol. VI, p. 56.

<sup>2</sup> Stubbs, *Const. Hist.*, Vol. II, pp. 297, 298. In 1276, Roger Mortimer was made Captain for Salop, Stafford, and Hereford, and William Beauchamp for Chester and Lancashire.

of the later Lieutenant.<sup>1</sup> The men thus impressed were at first paid by the King, but later Edward II called upon the counties and towns not only to provide additional arms but also to pay the wages of the new levies.<sup>2</sup> No doubt irritation at the country being thus made liable for the cost of these additional soldiers added force to the protests of the Commons against the Commissions of Array. These protests, throughout the fourteenth century, were directed towards securing that no man should be compelled to serve outside his own county except in case of invasion; and that no man should be constrained to find men-at-arms or archers, unless he held his land on the terms of such service, or else by force of grant and assent in Parliament.<sup>3</sup> Clauses to this effect were incorporated in various statutes<sup>4</sup> which were finally confirmed in 1402.<sup>5</sup> Two years later the King submitted a form of Commission of Array to Parliament, who assented to it while altering certain clauses.<sup>6</sup> This form, however, was by no means always exactly followed,<sup>7</sup> and the Yorkists made pretext of invasion from Scotland to issue Commissions without

<sup>1</sup> In 1298 William Latimer was named 'notre Lieutenant e Soverein cheveiteine' for the Northern counties (Stubbs, *op. cit.* p. 298, footnote 3).

<sup>2</sup> *Ibid.*, pp. 297-9, 570 *seq.*

<sup>3</sup> *Rot. Parl.*, II, p. 160 (1346); *ibid.* p. 166 (1347); *ibid.* p. 239 (1351).

<sup>4</sup> 1 Ed. III, 2 (5). 'The King will that no man from henceforth shall be charged to arm himself, otherwise than he was wont in the time of his progenitors Kings of England, and that no man be compelled to go out of his shire, but (where necessity requireth and sudden coming) of strange enemies into the realm; and then it shall be done as hath been used in times past for the defence of the realm.' Cf. 18 Ed. III, 7; 25 Ed. III, 5 (8).

<sup>5</sup> 4 Hen. IV, c. 13.

<sup>6</sup> Stubbs, *op. cit.*, Vol. III, p. 269; *Rot. Parl.*, III, pp. 526-7. Cf. Rymer, Vol. VIII, p. 374, *A Commission of Array* (Pat. R. 6 Hen. IV, p. 1, m. 29d.)

<sup>7</sup> One of the arguments brought against the legality of the Commissions of Array issued by Charles I was the variety of wording introduced into Commissions subsequent to 1404. Cf. *A Declaration of the Lords and Commons assembled in Parliament upon the statute of 5 Hen. IV, whereby the Commission of Array is supposed to be warranted.*

consent of Parliament, laying the burden of the expense upon the counties.<sup>1</sup>

Henry VIII took this use of the prerogative for granted and issued Commissions of Array, both for the purpose of obtaining men for war with Scotland and France, and for that of subduing unruly districts. Thus among the early Commissions, one *De arraiendo et monstrum faciendo contra Scotos* was issued in 1512 to the Earl of Surrey, empowering him to raise a fighting force by taking men from the counties of York, Northumberland, Cumberland, Westmorland, and Lancaster.<sup>2</sup> Later, in dealing with the rebellion of 1536, the armies were raised mainly by letters under the Privy Signet to the landed gentry, ordering them to bring their servants, retainers, tenants, and friends to the aid of the Crown.<sup>3</sup> Similar letters bade others remain in their counties to keep good order there and apprehend 'seditious persons and strong vagabonds.'<sup>4</sup> In addition, however, to the Commissions which were issued to the Duke of Suffolk and the Earl of Shrewsbury, placing them in command of these armies each with the title of King's Lieutenant,<sup>5</sup> the traditional title of anyone who was given command when the King did not himself take the field, others were issued also, among them one to the Earl of Derby

<sup>1</sup> Anson, *op. cit.*, Vol. II, p. 170; Stubbs, *op. cit.*, Vol. III, p. 287. Cf. Rolls Series, *Letters, Richard III*, Vol. I, p. 85; *Preparations for Defence* (MS. Harl. 433 f. 274); 'Instructions given by the King's grace to the Commissioners appointed in every shire of this his royaume.'

Dr. Stubbs remarks that the loss of records and the anarchy of the last years of the reign of Henry VI leave great doubt as to the means by which forces were raised to maintain order in the King's name throughout England, but he thinks that Royal letters analogous to, if not identical with, the Commissions of Array were doubtless the most convenient expedient for reinforcing the Royal army.—*Op. cit.*, Vol. III, p. 295. Maitland states that both sides used the King's names for Commissions of Array.—*Const. Hist.*, p. 278.

<sup>2</sup> Rymer, Vol. XIII, p. 359 (Pat. R. 5 Hen. VIII, p. 1, m. 18 dor).

<sup>3</sup> *Letters and Papers, Hen. VIII*, Vol. XI, Nos. 562, 579, 580 (i-iii), 688, 700.

<sup>4</sup> *Ibid.* No. 580 (iv); cf. Nos. 670, 708.

<sup>5</sup> *Ibid.* Nos. 559, 569, 757.



for Lancashire, Cheshire, North Wales, and Staffordshire 'except what Shrewsbury has,' to raise men in that district, as well as to keep order there. The Earl himself regarded this Commission as unique, remarking 'never none of his ancestors had ( . . . ) such.'<sup>1</sup>

A more permanent method of controlling an unruly district than such Commissions as the foregoing had, however, already been tried. The north had given trouble long before 1536, and continued to do so for long afterwards; and among the expedients tried by the Yorkists, and again by Henry VII, for dealing with that turbulent region had been the appointment of a King's Lieutenant and High Commissioner for the North Parts. The early history of this official has recently been fully discussed.<sup>2</sup> With the erection of the Council in the north the Lieutenancy became for the moment merged in it, but it was destined subsequently to re-emerge and exist side by side with the Council.

The system thus applied to one district could be applied to another. The problem of the north was always a grave one, but throughout the century the west,<sup>3</sup> or strictly speaking the south-west, of England was also the object of special care and attention on the part

<sup>1</sup> *Ibid.* No. 807. A letter from Thomas Stanley, the MS. much torn — 'upon Thursday at night came to him a letter from the King to raise in haste all the power he can and repair to the Earl of Shrewsbury. He hath in Commission all Lancashire and Cheshire and all Staffordshire saving only the ( . . . ) men which my Lord of Shrewsbury hath rule of. He shew(ed ?) his Commission saying that never none of his ancestors had ( . . . ) such and I answered and said no more should he ( . . . ) but for a purpose, to keep him and his power in this ( . . . ) to aid my lord Cr . . . well with others such. I talked so long ( . . . ) that he was displeased.'

For other details of this Commission see Hist. MSS. Com., VIth Report, p. 445 (*the MSS. of Miss Jfarington at Worden Hall*), and Chetham Soc., New Series, Vol. XIX, *Derby Correspondence*, pp. 18 seq.

<sup>2</sup> Dr. Rachel Reid, *The King's Council in the North*, Part I, pp. 61, 71; and Chap. VI.

<sup>3</sup> The term 'West' in sixteenth-century documents was applied generally to the shires of Devon, Dorset, and Cornwall, but it frequently included also Somerset, Hampshire, and the Isle of Wight.

of Crown and Privy Council. Like the people of the north those of the west were much given to discontent at any changes religious, political, or economic, and to expressing that discontent in the way of disorders and commotions. Moreover, if danger of invasion from Scotland threatened the north, it was equally true that the south-western coastal line offered tempting landing-places for French or Spanish troops.

The history of England's foreign relations might almost be written round the chronological order in which various stretches of the coast have had to be guarded. The importance of fortifying the south-east had long been recognised, but from the reign of Henry VIII until the end of the reign of Elizabeth, the defence of the west also was regarded as a matter of gravest urgency, and particular care was taken upon any appearance of danger to place the counties there under the control of someone who had both influence in the district and at the same time could be trusted to be loyal to the Crown.

Frequent disorders and danger from without had led to the erection of the Council of the West, which for a few years had existed alongside the Council of the North and the Council of the Marches of Wales ; but it attained to neither their longevity nor importance.<sup>1</sup> It was inaugurated in 1539 and had probably ceased to exist in 1545 when, there being local disturbances in Dorset and Somerset, as well as the imminent possibility of a French landing, Lord Russell was made the royal representative in the west.

Three Commissions *De arraiaione et capitanco generali contra francos* were issued in June of that year, 'to endure until Michaelmas,'<sup>2</sup> each for a certain number

<sup>1</sup> *Royal Historical Society Transactions*, Series IV, Vol. IV. ; Dr. Caroline Skeel, *The Council of the West*.

<sup>2</sup> Pat. R. 37, Hen. VIII, p. 2, m. 16 ; cf. *Letters and Papers, Hen. VIII*, Vol. XX, Part I, No. 1081 (3) ; Rymer, Vol. XV, p. 75. For some other Commissions of Array see *Letters and Papers*, Vol. XI, Part I, No. 846 (2, 13).

of counties, one to the Duke of Norfolk,<sup>1</sup> another to the Duke of Suffolk,<sup>2</sup> and the third to Lord Russell who was then Lord Privy Seal, for the counties of Dorset, Somerset, Devonshire, Cornwall, and Gloucester, as well as for North and South Wales and the Marches of the same.

The Commission was an extensive one enough, but the main part of the work lay in the counties of Dorset, Somerset, and Devonshire. No doubt Russell was definitely selected to the King's service in those districts as one of the principal landowners there, a man who was well acquainted with local conditions.<sup>3</sup> The work to be done and the difficulties encountered are recorded in his correspondence with the Council.

He had been sent into the west for a dual purpose. He had to restore order there, for disturbances had been taking place. These were chiefly due to the arbitrary searching of the priests' houses in Dorset, which had been carried out under a misapprehended order.<sup>4</sup> His chief task, however, was to impress men for the Navy to oppose the French Fleet then gathering in the Norman harbours.

In thus endeavouring to secure sailors to man the Royal ships, the King was quite clearly not acting beyond his prerogative. Impressment for the Navy had never been declared unlawful by any Parliament. The need for the existence of a Navy had been taken for granted,<sup>5</sup> and while the Crown had no standing

<sup>1</sup> For the counties of Essex, Suffolk, Norfolk, Herts, Cambridge, Hunts, Lincoln, Rutland, Warwick, Northampton, Leicester, and Beds.

<sup>2</sup> For the counties of Kent, Sussex, Surrey, Hants, Wilts, Berks, Oxon, Middlesex, Bucks, Worcester, and Hereford.

<sup>3</sup> For the early history of the family in Dorset see Hutchins, *Dorset*, Vol. II, pp. 780 *seq.* Lord Russell had been the first and only President of the Council of the West.

<sup>4</sup> *Letters and Papers, H. VIII*, Vol. XX, Part II, No. 159. Russell to Paget. The search had been carried on chiefly in the Sherbourne district.

<sup>5</sup> Anson, *op. cit.* p. 183.

army it had a Royal Navy.<sup>1</sup> Upon all occasions of emergency this Navy could be reinforced, not only by merchant ships, but by men taken from the sea-ports.<sup>2</sup> Hence Russell's mission. It was to prove no easy one, even though rumours of the numbers and destructive powers of the French Fleet were rife,<sup>3</sup> and a wild tale to the effect that the enemy had landed in the Isle of Wight was creating considerable excitement.<sup>4</sup>

His first business was to write to the mayors of the various ports, asking them to let him know as speedily as possible how many ships there were in each harbour ready to join the Navy at Portsmouth at once, and how many could be supplied within 'one, two, three, four, five, or six days.' At the same time they were to advise him what number of mariners could be collected not only from specified ports, but also from the surrounding districts.<sup>5</sup> When the ships and men were collected, the mayors were required to send them immediately to Portsmouth<sup>6</sup>; while, if any 'adventurer' ships came into harbour, they also were to be retained for the King's service, and like the ships of the port were to repair upon pain of death to Portsmouth with all possible diligence. Russell warned them that the King would brook no delay nor failure to appear :

'And it shall not be said that I have not warned you in

<sup>1</sup> Prothero, *Statutes and Constitutional Documents*, p. cxxii; cf. Clowes, *The Royal Navy*, Vol. I, p. 348.

<sup>2</sup> In theory the obligation to defend the country by sea as well as by land was incumbent on all subjects. In practice the obligation to provide for the Navy was restricted to the coasts and seaport towns. But the last definition was a wide one and included all towns possessing merchant ships, London among them. (Prothero, *op. cit.* pp. cxxi, cxxii.)

<sup>3</sup> *Letters and Papers, Hen. VIII*, Vol. XX, Part I, No. 1272; Part II, No. 152. Russell to the Council.

<sup>4</sup> *Ibid.*, Part II, No. 159. Russell to Paget.

<sup>5</sup> *Ibid.*, Part I, No. 1278. Russell to the Mayors of the West ports.

<sup>6</sup> *Ibid.*, Part I, No. 1283. Russell to Paget. *Ibid.*, Part I, No. 1331. Russell to the Mayor of Dartmouth.



this behalf, and if any should show themselves . . . not conformable I shall not fail to see him punished and if he were mine own kinsman to the example of others.' <sup>1</sup>

As a matter of experience, however, he did not meet with difficulties from the quarter from which they might have been expected. He was on terms of friendship with the Sheriff of Dorset and Somerset,<sup>2</sup> which made the work in the counties easier.<sup>3</sup> The mayors also appear to have been anxious enough to do the King's will and keep on good terms with his representative. The difficulty came from the mariners, Russell again and again lamenting to the Council that they could not be procured in sufficient numbers.<sup>4</sup> It was a difficulty that was to occur again. There was no enthusiasm among the men of the counties for service either in the Navy or in the levies. The fact was that the men frankly preferred to the King's service that semi-piratical life on the sea which had already given English sailors an ill name on the Continent. Even when men and ships had been secured by the mayors and despatched to join the fleet, they slipped away whenever possible to more exciting and far more lucrative adventures.<sup>5</sup> 'I never,' wrote Russell, 'had more ado with anything in all my life.' <sup>6</sup>

By the middle of August it became apparent that the

<sup>1</sup> *Letters and Papers, Hen. VIII*, Vol. XX, Part I, No. 1331.

<sup>2</sup> Sir John Horsey.

<sup>3</sup> *Letters and Papers, Hen. VIII*, Vol. XX, Part II, No. 159. Russell to Paget.

<sup>4</sup> *Ibid.*, Part I, No. 1283. Russell to Paget: 'The greatest need we have is of mariners.'

<sup>5</sup> *Ibid.*, Part II, No. 83, Russell to the Council; No. 152, Russell to Paget.

<sup>6</sup> *Ibid.*, Part II, No. 63, Russell to Paget. No doubt Russell was feeling acutely that the local difficulties which he had to encounter were not properly appreciated by those at Court. In the same letter he added that the Master of the Horse was 'a man most unreasonable and as one whose words and deeds do not agree together . . . one that will blame every man for a fault and yet will do worse himself. I would he were here where he should have want both of good meat and also drink.'

French naval as well as their military programme had failed, and the 'adventurers' were plundering every Spanish, Portuguese, and Flemish vessel which came their way to their hearts' content,<sup>1</sup> so that there was no question of prolonging the Commission beyond the date originally fixed for its termination.

No doubt this Commission suggested those issued during the following reign when it was no longer a question of quelling local riots, but of keeping all England quiet.

With the strength of the dynasty tested to the utmost by the royal minority, it is evident that Somerset very clearly perceived the enormous advantage in his position of a scheme which would allow him to place any district he chose under the control of a nobleman selected by himself. He freely used that advantage during the first two years of the reign.

His first care was to secure the country. Within five days of the King's accession letters were sent out by the Council 'for a good eye to their neighbours and seditious persons,' not only to the Deputy of Ireland, the Presidents of the North and Wales and the Wardens of the Borders, but also to various gentlemen of the counties.<sup>2</sup> For the moment, however, there was apparently no disposition in the counties to rise against the Government. The crisis was not yet.

Somerset was therefore able to devote attention to his Scottish policy. Once he had come to the conclusion that a campaign against Scotland and France was inevitable, he proceeded to call upon the county levies and issued a number of Commissions. It was a definite scheme of organising the county levies under certain picked noblemen and commoners.

<sup>1</sup> Fisher, *op. cit.* p. 469.

<sup>2</sup> *Acts of the Privy Council*, Feb. 2, 1546-7. The letters were sent to the Earl of Bath, Sir Thomas Denys, Sir Hugh Pollard, and Sir Hugh Paulet for the Western counties and to Sir Roger Townsend, Sir William Paston, Sir John Heydon, and Sir Edmund Bedingfield for Norfolk and the adjacent counties.

The first counties called upon to fulfil their military duties were Yorkshire and the adjacent counties. The President of the Council of the North was the Archbishop of York. Another Commission was now issued to Francis, Earl of Shrewsbury, and on May 21, 1547, he wrote to the Sheriff of York, saying :

‘ His Majesty hath, by the advice of my said lordship (*e.g.* Somerset) and by the assent of the rest of his Majesty’s most honourable Privy Council, appointed . . . me, most unworthy, to be my said lordship’s Lieutenant for the counties of Yorkshire, Lancashire, Chester, Derby, Salop and Nottingham ’

and charged him to proceed forthwith with the mustering of the Yorkshire levies.<sup>1</sup> Following this, in the middle of August, when the Scots were gathering on the Border, a series of further Commissions was issued. These were of two kinds. The first was purely military commands dividing the counties of England into the North parts and the South parts, with a Lieutenant and Captain-General for each, namely, the Earl of Warwick<sup>2</sup> for the North parts, and the High Admiral, Lord Seymour of Sudeley, for the South parts.<sup>3</sup> These Commissions covered between them all the counties of England, as well as the principality of Wales and the districts of Calais and Boulogne. At the same time, however, others, which were probably similar to that issued earlier to Shrewsbury, were sent out for groups of counties within the South Lieutenancy, namely, to the Marquis of Northampton for Essex, Suffolk, and Norfolk ; the Earl of Arundel for Surrey, Southampton, and Wiltshire, and Sir Thomas Cheney, the Lord Warden for Kent, giving each power to levy all subjects within the counties and liberties, to array

<sup>1</sup> *Talbot MSS.*, Vol. B, fol. 9. Similar letters were sent to the Sheriffs of the other counties of which the Earl was named Lieutenant.

<sup>2</sup> *Acts of the Privy Council*, Aug. 12, 1547.

<sup>3</sup> *Ibid.*, Aug. 17, 1547.

and try them, see them 'furnished,' and use them to resist or repress rebels, enemies, and invaders of the realm, and 'to do other things as he shall think meet to be done.' Charge was given to all Justices of the Peace, Viscounts, Mayors, Bailiffs, Stewards, Constables, and other officers, to be obedient to the Lieutenant in the exercise of the said Commission.<sup>1</sup>

These Commissions were, of course, issued without sanction of Parliament, since Edward's first Parliament only met after the conclusion of the Scottish campaign. They were similar to, if not identical with, the old Commissions of Array. It seems clear that they placed the Sheriff, still legally the only man who had the right to summon the *posse comitatus*, under the orders of the new Lieutenants to whom Commissions were sent. It was direct interference with the rights of that official, although doubtless those rights had already been encroached upon by former Commissions of Array.

Two years later a much more significant step in the history of the Lieutenancy and of local administration generally was taken.

#### *Northumberland and his Lieutenants*

Strype says that Lieutenants were first appointed in 1549, that year of religious and social turmoil, when the flame of revolt spread through the counties of England. It would perhaps be more true to say that dating from that year there was a much wider conception of the possibilities of the office. It seems at least permissible to hazard the conjecture that Somerset probably, and Northumberland certainly, were prepared to exercise the authority of the Crown over the counties far more drastically than Henry had done before them, or than either Mary or Elizabeth were to do after them. Their own necessities must have driven them to it. The

<sup>1</sup> *Acts of the Privy Council*, Aug. 17, 1547.



glamour which had surrounded the kingship under Henry VIII, his own vivid personality, which had made for popularity, were missing as weapons in Somerset and Northumberland's armoury. However diligently the doctrine of obedience due to the Crown might be taught,<sup>1</sup> both the Protector and his successor had to reckon with the antagonism inevitably felt towards them by others of the gentry of England, who thought themselves every whit as good as the Seymours and Dudleys. Each in turn was forced to face the grim fact that if the people of England would not follow him, he was undone.

The immediate cause, however, of the making of Lieutenants in 1549 was undoubtedly the riots and rebellions which took place in most of the counties of England. According to Strype, Commissions were issued dated July 24, 3 Edw. VI.<sup>2</sup> He states that he found these in a Clerk of the Crown's book in the Cotton Library. This book does not now appear to be in existence. There are no Commissions of Lieutenancy entered on the Patent Rolls for Edward VI, nor among the State Papers, nor, so far as can be ascertained, have any been preserved in private muniment rooms. But the wording of the Commission as given by Strype is almost precisely the same as the wording of Commissions which were issued in 1551, of which a transcript is preserved in a Docquet Book containing a note of all the bills signed by the King and Council from October 19, 4 Edw. VI, until July 3, 7 Edw. VI.<sup>3</sup> These made the recipients the King's Justices as well as the King's Lieutenants, ordering them to

<sup>1</sup> On the early teaching and the religious basis of the doctrine of non-resistance, see Figgis, *Divine Right of Kings*, p. 96.

<sup>2</sup> Strype, *Ecc. Mem.*, Vol. II, p. 278.

<sup>3</sup> British Museum, *Royal MSS.*, 18 C. XXIV; see Appendix B I. The transcript is taken from a Commission issued to the Duke of Somerset. It is followed by a list of names of twenty-one other noblemen to whom Commissions were also issued.

inquire into such offences as treasons, rebellions, falsehoods, riots, murders, and felonies, 'and other evil deeds whatsoever they be'; and to levy men, and to fight against the King's enemies and rebels and execute martial law. It was, however, expressly stated that they were not to be prejudicial to the former Commissions of Oyer and Determiner issued for the same counties.

But few traces appear to remain of the names of those Lieutenants to whom these Commissions were issued,<sup>1</sup> but some light is thrown on the proposed methods of dealing with the counties by the very full instructions issued to Lord Russell by the Privy Council for the government of Devon, Cornwall, Somerset, and Dorset.<sup>2</sup>

These instructions are dated 24th June. If Strype is right in his date therefore, either Lord Russell received a Commission earlier than anyone else, which having regard to the disturbed state of the west of England is quite possible, or these instructions do not refer specifically to the later Commissions of Lieutenancy. It is not indeed absolutely clear whether Lord Russell was technically Lieutenant of these counties. The instructions merely asserted that the Lord Protector and Council thought it well to desire him to reside for a time in the west parts of the realm, that the four counties named above might be kept in good order and quiet, and His Majesty's subjects there be defended in case of any invasion. Though a Commission is mentioned it is not specified exactly what it was. Strype speaks of Russell alternatively as Governor of the West or the King's Lieutenant, but by whatever title he was known, what he had to do was clear enough.

<sup>1</sup> Shrewsbury perhaps held a Commission for Stafford, Salop, Chester, Lancaster, York, Nottingham, and Derby (*Talbot MSS.*, Vol. N, fol. 1).

<sup>2</sup> *State Papers Dom. Edw. VI*, Vol. VII, No. 40.—'A memorial for the Lord Russell, Lord Privy Seal, for the purposes ensuing.'

No doubt Russell's successful dealing with the west under Henry VIII was in the minds of Somerset and the Council. But his task was now a much more comprehensive one ; the people of the counties were to be educated in their duty to the State ; this was the note sounded throughout the instructions.

His first duty was to assemble the Justices of the Peace and 'such other of those most great and honest men of every of the said counties as he shall think convenient,' and to learn from them what was happening in the district.<sup>1</sup> In the case of rebellion or disorder being reported he was to consult with those same Justices and others, find out the cause of discontent, remove it if possible, and endeavour to bring the people into a more loyal frame of mind. Special insistence was laid upon the necessity for keeping everyone in the county occupied in order that they might be kept out of mischief. Somerset and the Council knew well the sources from which rebellion frequently sprung ; hence the orders to Russell to see that clothiers, weavers, fullers, dyers, and all other workmen were kept to their employments. Riotous assemblies were a danger ; so were rumours of all kinds :

'And because we know that sundry ill and seditious persons, for the better achieving of their devilish purposes, have many times used and spread abroad such lewd and untrue bruits and rumours as they imagine may best set forth their naughty purposes, the said Lord Russell shall endeavour himself from time to time to search out the authors or spreaders of the said rumours, causing them to be apprehended and committed to ward, and after further punished according to their deservings.'<sup>2</sup>

Russell's task was a comprehensive one enough, and it can hardly have been made easier by the addition

<sup>1</sup> Cf. *Ibid.* No. 41.

<sup>2</sup> *Ibid.* No. 40.

of an admonition that he was to give special charge to fathers and mothers to govern their children and servants well and earnestly.

If the people would not yield to gentle persuasion, he might call out the levies 'by force of His Majesty's Commission,' and use them within the limits of that Commission to repress obstinate and wilful doings and bring the inhabitants of the counties to the acknowledgment of their bounden duty to the Crown.

Lastly, came the matter of the Book of Common Prayer. How far the disturbances were due to social, how far to religious causes, is still a matter for debate<sup>1</sup>; but one of Russell's special functions was not only to enforce the order given for Whit Sunday of that year, when every parish priest was to adopt the new Book,<sup>2</sup> but also to endeavour to turn the people's minds in a direction conformable with the new teaching. Hence he was not only to have special respect to seeing His Majesty's proceedings touching matters of religion well obeyed and exercised, but likewise he was to appoint certain days and places for sermons to be delivered by preachers especially licensed by the Privy Council, who wrote :

'Forasmuch as it is acceptable to God to have the people lead their lives in the fear and knowledge of Him, and thereupon also followed, as by good order, quiet and due obedience of all people to their princes and heads, the which no wise so conveniently can be brought to pass, as to have frequent and discreet preaching of the Holy Word and commandments, we have thought it meet, since our very good lord the Lord Privy Seal is appointed under the King's Majesty to have the governance of the west parts of the Realm, during His Majesty's pleasure, that they should be licensed to preach and openly declare with sincerity the word of God in such public places and auditory as the same Lord Privy Seal shall solicit you, whose discretion and grave wisdom

<sup>1</sup> Cf. Pollard, *op. cit.* pp. 26 seq.; Johnson, *Disappearance of the Small Landowner*, p. 51.

<sup>2</sup> 2 & 3 Edw. VI. c. 1.



the King's Majesty and we so well esteem, that without his order and certain knowledge we will ye take no labour upon you.' <sup>1</sup>

Obviously, the success of the plan depended greatly upon Russell's personal influence in the counties. Had he been a stranger sent down to take control, his methods must have been different. Moreover, had the other county gentry seriously set themselves against him, whether for religious or political or personal reasons, he must have failed. The same remark applies to the levies. He had the force of the Commission behind him, but it is difficult to say what he could have done if either the country squires or the men of the counties had refused to come in. Even as it was, when the rebellion actually broke out, although it was chiefly engineered by priests and peasants, some reinforcements in the shape of German and Italian mercenaries had to be sent down to relieve the siege of Exeter. By the middle of August, however, Russell was dealing drastically with the few important men in the counties who had taken a share in the rebellion, and prisoners were being sent up to the Council.<sup>2</sup>

It was barely six weeks after that new and urgent messages were passing between the Council and the west.<sup>3</sup> Somerset himself was calling to Russell and others to raise the county levies to support him against conspiracies.

On October 9, Lord Russell and Sir William Herbert wrote to the Council that the counties were in uncertainty and confusion, and added the dry remark that they had stayed the forces of those parts from coming to the Protector's assistance.<sup>4</sup>

<sup>1</sup> Styrpe, *Ecc. Mem.*, Vol. II, pp. 262, 263.

<sup>2</sup> *State Papers Dom. Edw. VI*, Vol. VIII, Nos. 47, 54, Aug. 21, 1549.

<sup>3</sup> *Ibid.*, Vol. IX, Nos. 5-9, Oct. 5, 1549.

<sup>4</sup> *Ibid.*, Vol. IX, No. 31.

During the next few months, while Somerset's fate and that of his rival still hung in the balance, Lieutenants became recognised factors in the government of the country. Whose the extension of the scheme was, is now difficult to say, but it can be hardly doubted that Warwick had seen the possibilities which it offered to himself.

Parliament met after prorogation in November 1549, and during the session recognised the appointment of Lieutenants for any county or counties of the realm in times of emergency.

' Provided always, and it is enacted by the authority above said that if the King shall by his letters patent make any Lieutenant in any County or Counties of this Realm, for the suppressing of any commotions, rebellions or unlawful assembly, that then as well all Justices of Peace of every such county and the Sheriffs and Sheriff of the same as all Mayors, Bailiffs and other head officers and all inhabitants and subjects of any County, City, Borough, or Town corporate within every such county shall, upon the declaration of the said letters patent and request made, be bound to give attendance upon the same Lieutenant to suppress any commotions, rebellions or unlawful assembly, unless he or they being so required have any reasonable excuse for his not attendance, upon pain of imprisonment for one whole year.'<sup>1</sup>

After this, for the remaining four years of the reign, not one or two, but many Lieutenants were sent each summer regularly into the counties. The date of the Commission, April or May, suggests, what was no doubt the case, that the main object of issuing them was for the superintendence of the mustering of the levies held annually in every county.<sup>2</sup> But the recipients had to deal with rebellion also,<sup>3</sup> and to act generally in the interests of the Crown whenever necessary. It came

<sup>1</sup> 3 & 4 Edw. VI, c. 5, xiii.

<sup>2</sup> *Acts of the Privy Council*, May 26, 1551; *ibid.*, May 16, 1552; *ibid.*, May 24, 1553.

<sup>3</sup> Cf. Haynes' *State Papers*, Edw. VI, pp. 114, 115. Letters referring to the threatened insurrection in Leicestershire, Northamptonshire, and Rutland.

# NORTHUMBERLAND AND HIS LIEUTENANTS 31

within their competence, for example, to deal with such offences against the prerogative as the making and passing of counterfeit coin.<sup>1</sup>

There are few particulars remaining of the Commissions issued for 1550,<sup>2</sup> but complete lists of Lieutenants exist for the three subsequent years. That for 1551 runs as follows<sup>3</sup>:

Kent and Canterbury	.	Sir Thomas Cheney
Sussex	. . . . .	{ Lord of Arundel
		{ Lord Lawarre
Berks and Hampshire <sup>4</sup>	.	Duke of Somerset
Wiltshire	. . . . .	Sir William Herbert
Dorset	{	. . . . . Lord of Bedford
Somerset		
Devon		
Cornwall		
Surrey	. . . . .	Marquis Northampton
Leicester and Rutland	.	Earl of Huntingdon
Northampton	{	. . . . . Marquis Northampton
Bedford		
Bucks		
Hertford		
Cambridge		
Huntingdon	. . . . .	{ Mr. Tirwit
		{ Mr. Audeley
		{ Lord Chancellor
Essex	. . . . .	{ Earl of Oxford
		{ Lord Chamberlain
		{ Mr. Vice-Chamberlain

<sup>1</sup> *Acts of the Privy Council*, June 15, 1552.

<sup>2</sup> Cf. *Acts of the Privy Council*, July 21, 1550; *ibid.*, April 12, 1551; Pollard, *op. cit.* p. 56.

<sup>3</sup> *Acts of the Privy Council*, May 26, 1551; cf. also *Royal MSS.*, 18 C. XXIV, fol. 89. The list in the Docquet Book, however, does not exactly correspond with that in the Register. Apparently it is the Docquet Book that is in fault, as in that list some counties and some Lieutenants are mentioned twice over.

<sup>4</sup> Berks and Bucks, according to the Docquet Book.

Warwick . . . .	Lord Great Master
Oxford . . . .	President of the Council
Suffolk . . . .	Lord Chamberlain
	Mr. Comptroller
	Lord of Sussex
Norfolk . . . .	Sir Roger Townsend
	Sir William Fermour
	Sir John Robsert
Stafford . . . .	Viscount Hereford
	Lord Paget
Middlesex . . . .	Lord Paget
	Sir Thomas Wrothe
Lincoln . . . .	Lord Rutland
Nottingham . . . .	Lord Admiral
Derby . . . .	Comes Salop
Lancaster . . . .	Comes Derby
Ely . . . .	The Bishop

Somerset held a Lieutenancy, but he had once appealed to the levies in vain. Warwick's plans were laid, and when the time for the musters came round next year, as Duke of Northumberland he was in a position to carry them out. But it was no longer nearly so much a question of controlling the military forces in the interests of the Crown as of controlling the whole of England in the interests of a thoroughly selfish and ambitious nobleman. The first step was to see that he himself was named Lieutenant for an important section of England. A Commission was issued to him for Northumberland, Cumberland, Newcastle, and Berwick. At the same time he was named joint-Lieutenant for Warwickshire with his son, and for Stafford with Viscount Hereford.<sup>1</sup> The remaining Lieutenants were evidently carefully chosen, with a view to their rendering very

<sup>1</sup> *Royal MSS.*, 18 C. XXIV, fol. 209, 6 Edw. VI.—A Commission to John, Duke of Northumberland. The wording of this Commission is similar to that used in 1551.



definite service to the Duke later. The most extensive Lieutenancy, after his own, was that allotted to his trusted adherent, the Marquis of Northampton, who was given command of the counties of Northampton, Bedford, Surrey, Hertford, Cambridge, Berks, and Oxon. No other Lieutenancy was as extensive as this, but all the counties, whether singly or in groups of twos and threes, had Lieutenants allotted to them.<sup>1</sup> The same remark applies to the palatinates. The Earl of Derby had already had a Commission for the duchy the previous year, as the Bishop of Ely had had one for the Isle of Ely. These Commissions were issued again to the same men, but a further step was taken now in commissioning a Lieutenant for Durham. Dr. Cuthbert Tunstall having been committed to the Tower, the bishopric was given a Lieutenant in the Earl of Westmoreland.

Most of the foregoing Commissions remained the same for 1553. There was, however, one notable change. Northumberland included the bishopric in his own Lieutenancy. No doubt there was a double purpose underlying this. On the one hand, the Duke had his scheme of a great palatine duchy in place of the palatine bishopric,<sup>2</sup> but when the Commissions were issued he must also have known that the King could not live long, and the struggle, the outcome of which he hoped would be to place his own family on the throne of England, was very near. He was well aware of the importance of placing himself and his friends in such a position that the levies could be called out immediately he gave notice. That his scheme failed is an eloquent

<sup>1</sup> Russell, now Earl of Bedford, had a Commission for Dorset, Somerset, Devon, and Cornwall; Shrewsbury, now President of the Council of the North, had one for Yorkshire, York City, and Kingston-upon-Hull; the President of the Council of the Marches one for the twelve counties of Wales.

<sup>2</sup> He had already sought for palatine jurisdiction. Cf. *State Papers Dom. Edw. VI*, Vol. XIV, No. 18; *Victoria County History, Durham*, Vol. II, pp. 33, 34; and Hutchinson, *History of Durham*, Vol. I, p. 292.

illustration of the fact that, given the then existing mode of military service in England, mere military organisation was not sufficient to ensure success. Northumberland had laid his plans for the counties well. What he did not recognise was that the efficient raising of the levies depended, not only on the goodwill of the Lieutenants, but also on the goodwill of the men of the counties, and he was to learn that there was but little goodwill felt by the nation towards him.

The matter was shortly put to the test. Within a few days of the King's death, Lady Jane Grey wrote to the Marquis of Northampton :

Right trusty and well-beloved, we greet you well, advertising you that where (as) it hath pleased Almighty God to call to His Mercy out of this life our dearest Cousin the King your late Sovereign Lord, by reason whereof, and such ordinance as the said late King did establish in his life-time for the security and wealth of this Realm, we are entered into our rightful possession of this Kingdom, as by the last will of our said dearest Cousin our late progenitor, and other several instruments to that effect, signed with his own hand and sealed with the Great Seal of this Realm in his own presence, whereunto the nobles of this Realm for the most part, and all our Council and Judges, with the Mayors and Aldermen of our city of London, and divers other grave personages of this our Realm of England have also subscribed their names, as by the same will and instrument it may more evidently and plainly appear. We therefore do you to understand, that by the ordinance and sufferance of the heavenly Lord and by the assent and consent of our said nobles and counsellors and others before specified, we do this day make our entry into our Tower of London as rightful queen of this Realm and have accordingly set forth our proclamations to all our loving subjects, giving them thereby to understand their duties of allegiance, which they now owe unto us, as more amply by the same ye shall briefly perceive and understand. Nothing doubting, right trusty and well-beloved, but that ye will endeavour yourself in all things to the uttermost of your power, not only to defend our just title, but also to assist us in our rightful possession of this Kingdom,

and to disturb, repel and resist the feigned and untrue claims of the Lady Mary, bastard daughter to our great Uncle Henry the eighth of famous memory. Wherein, as you shall do that which to your honour, truth and duty appertaineth, so shall we remember the same unto you and yours accordingly. And our further pleasure is that ye shall continue, do and execute every thing and things as our Lieutenant within all places according to the tenour of the commission addressed unto you from our late cousin King Edward the sixth, in such and like sort, as if the same had been, as we mean shortly it shall be, renewed and by us confirmed under our Great Seal, unto you. Given under our Sign at our Tower of London, the Xth of July, the first year of our reign.' <sup>1</sup>

The requisite commentary was made later by Burghley. At the foot of the letter, in his handwriting, stand the words, '*Jana non regina.*'

### *Mary*

Northumberland had apparently contemplated making the Lieutenancy a permanent part of the administrative system of England. Its failure to serve his purpose was an eloquent revelation of what could or could not be done with the county levies. Whatever Northumberland might have been able to do if he had had longer time in which to do it, he was not able in 1553, distribute he his Lieutenants ever so wisely, either to ensure their loyalty or to force them and the county levies to do what they did not wish to do and place the Dudleys on the throne instead of the Tudors.

But Mary, even if placed on the throne by the will of the nation, had her own difficulties to face. Her troubled, short reign shows that the Crown had found

<sup>1</sup> *Lansdowne MSS.*, 1236, fol. 24. The letter is signed at the top 'Jane the Queen,' and is addressed: 'to our right trusty and right well beloved Cousin and Counsellor the Lord Marquis of Northampton, our Lieutenant of our Counties of Surrey, Northampton, Bedford and Berkshire.' This has been crossed through and then recopied below in an eighteenth-century hand. Cf. also Kempe, *Loseley MSS.*, No. 45, another copy of this letter.

the system of the Lieutenancies sufficiently useful to be continued. But it was not continued as Northumberland had planned it. It appears that he would have made the appointment of Lieutenants an annual affair. Under Mary the levies were mustered and arrayed by Commissioners, namely, the Sheriff and some of the Justices of the Peace in the several counties<sup>1</sup>; and Lieutenants were only commissioned at irregular intervals during times of pressing necessity. Nor was the same form of Commission used as had been used during the latter years of her brother's reign. This form, indeed, now entirely disappeared; Commissions varied considerably in their wording henceforward, but the Lieutenants were not again called the King's Justices.

Pressing necessity came soon enough, and Wyatt's rebellion was the cause of Commissions being issued. The original of one of these, addressed to Edward, Earl of Derby, is still extant.<sup>2</sup> By it the Earl was made Lieutenant within the counties of Lancaster, Chester, Salop, Flint, and Denbigh. It was a curious commentary on the strength of the Tudor position that, in spite of the fact that Derby had been one of those who had signed the invitation to Lady Jane Grey, yet the Crown was rightly able to place 'singular trust and great confidence' in his 'approved wisdom, fidelity and discretion,' and thereupon gave him full power and authority to levy, try, and array the subjects within the said counties; to take the musters from time to time, to lead the men against the Queen's enemies, to resist, suppress, and subdue rebels and traitors, and put all such to death within his discretion. All Sheriffs, Bailiffs, and Justices of the Peace were to attend, aid, assist, help, and obey the Lieutenant.

<sup>1</sup> Rymer, Vol. XV, p. 456, *De arraiaione faciendo* (Pat. R. 3 & 4 Ph. and Mary, p. 5, m. 11 dor.); cf. also 4 & 5 Ph. and Mary, c. 3. An Act for the taking of musters.

<sup>2</sup> This Commission is preserved at Knowsley. See Appendix B II.



But no such Commission was issued for the west, in spite of the fact that the rioting there, and consequent danger to the Crown, were considerable. Bedford was apparently more suspect than Derby. It might well be, that having regard to the known Protestant views of the former, although he was allowed to retain the office of Lord Privy Seal, it was not considered desirable to place too much authority in his hands in his own district. The elasticity of the system of local administration served the Crown well. It was not a matter of obligation to appoint a Lieutenant; but it was essential that order should be preserved. Instead, therefore, of commissioning Bedford or another for the western counties, the Queen issued special instructions to the Sheriff and certain Justices of the Peace—instructions which practically ordered them to do the same work as the Lieutenants were doing elsewhere.<sup>1</sup>

The following year the Queen wrote definitely to the Earl of Derby that she would issue no Commissions of Lieutenancy, save one only, namely, to the Earl of Shrewsbury, this being for the defence of the realm against the Scots in case of invasion.<sup>2</sup>

Within a year the decision had to be revised. Not only had the Crown to reckon with extreme and growing unpopularity, in part due to the Spanish marriage, in part to its policy of religious persecution,<sup>3</sup> but there was presently war with France and, as the inevitable sequel, trouble

<sup>1</sup> *State Papers Dom. Mary*, Vol. II, Nos. 19 and 27. Cf. also Kempe, *Loseley MSS.*, No. 48.—Letter to the Sheriffs and other officers of Sussex and Surrey, 'to aid and assist and be obedient to Lord William Howard . . . deputed by certain letters given at St. James', 29 January, 1553, at night.' It seems uncertain whether these letters were a Commission of Lieutenancy such as the Lord High Admiral afterwards held for Surrey and Sussex. They must, however, have served the same purpose.

<sup>2</sup> *Acts of the Privy Council*, July 6, 1555.

<sup>3</sup> J. H. Pollen, S.J., *English Catholics in the Reign of Queen Elizabeth*, thinks that the impression which the martyrs would make in public opinion was not foreseen by Pole in 1557.

on the Scottish border. Under these circumstances Mary resorted once more to the making of Lieutenants.

They were commissioned, it seems, for purely political reasons. It might have been supposed that Mary would have used the Lieutenancy in the interests of her Church. She did so only inasmuch as she expected her Lieutenants to undertake such duties as, for example, putting down plays and interludes which tended to the slander of the old religion.<sup>1</sup> This was part of their duty as a matter of course, but none of them were given such instructions as Somerset and Northumberland had issued to their men. Mary's Lieutenants were appointed to raise and lead the levies in the event of a possible landing of the French, and at the same time to keep the country quiet and prevent a rising against the Crown.

Some Lieutenants were certainly commissioned in 1557,<sup>2</sup> and in this year another form of Commission was used. Unlike the Commission issued to the Earl of Derby at the beginning of the reign, it was in Latin, not in English, but it conferred substantially the same powers upon the Lieutenant.<sup>3</sup>

Next year the situation was even more urgent, but again it was by no means all England that was brought under the Lieutenancy. The danger points were the north, the south-west, and the south-east. The Earls of Derby and Shrewsbury again held Commissions for some of the northern counties, acting under the Earl of Westmoreland, who was in supreme command of the forces of the North.<sup>4</sup> At least ten other special

<sup>1</sup> *Talbot MSS.*, Vol. C, fol. 229.

<sup>2</sup> Shrewsbury probably retained his Commission for Yorkshire, etc.; cf. *Acts of the Privy Council*, June 14 and July 6, 1557; the Earl of Sussex had a Commission for Norfolk and Suffolk; possibly Lord St. John and Sir Hugh Paulet had joint Commissions for Dorset; cf. *State Papers Dom. Mary*, Vol. X, No. 61.

<sup>3</sup> *Pat. R.*, 3 & 4 *Ph. and Mary*, No. 917, part 12. Printed in the Appendix.

<sup>4</sup> *Acts of the Privy Council*, March 1, 17, and 18, 1557-8.

Commissions of Lieutenancy were also issued,<sup>1</sup> including one to the Marquis of Winchester for London and the adjacent shires,<sup>2</sup> and another to the second Earl of Bedford<sup>3</sup> for Somerset, Dorset, Devon, and Cornwall,<sup>4</sup> and a third to the Master of the Horse for Kent.<sup>5</sup> The first Earl of Bedford, as has been seen, had been rigidly excluded by the Queen from any position of pre-eminence in his own district. It is of some interest, however, to note that the exclusion did not apply to the son, who was afterwards to be a conspicuous champion of the Protestant cause. The situation in the west, however, over and above the possible dangers of invasion, was once more full of perils.<sup>6</sup> It is indeed evident from the instructions issued by the Privy Council, and the correspondence with various Lieutenants, that the main anxiety of the Crown was to keep the kingdom well under control. In addition to the usual orders concerning musters, the watching of the coasts, and the control of seditious persons, vagabonds, and propagators of false rumours, it was insisted on again and again that the special duty of the Lieutenant was to encourage service in the levies and foster a general good disposition of loyalty towards the Crown. There must be no rebellion, no discontent evinced, and the Lieutenant must see the county kept quiet, more especially at the levying of the subsidy.<sup>7</sup>

At this point, however, it seems evident that difficulties in the way of working the Lieutenancy were beginning to show themselves. The Commissions had arbitrarily taken the control of the levies out of the

<sup>1</sup> *State Papers Dom. Mary*, Vol. XIV, Oct. 29.

<sup>2</sup> *Ibid.*, Vol. XIII, No. 10.

<sup>3</sup> He had succeeded his father, March 14, 1554-5.

<sup>4</sup> *State Papers Dom. Mary*, Vol. XII, Nos. 53, 67.

<sup>5</sup> *Acts of the Privy Council*, March 31, 1558.

<sup>6</sup> In 1555 two prominent Dorset families had been involved in the plot to kill the King and Queen (the Uvedales and the Horseys).

<sup>7</sup> *State Papers Dom. Mary*, Vol. XII, No. 53.—Instructions.

hands of the Sheriffs ; also all other officers in the counties were expected to obey the Lieutenant ; and, lastly, the jurisdiction of the latter extended over all honours, liberties, and towns, as well county corporate as others, within the limits of his Lieutenancy. There had been hitherto few signs of resentment at this, whether or no any had been felt. Certainly when Russell had been sent down to the west, the Mayors of the ports and the Sheriffs had acted in complete unanimity with him. The same statement applies, on the whole, to the position of Lieutenants in the reign of Edward VI,<sup>1</sup> but at the end of Mary's reign it is evident that some resentment was being felt and some opposition made. Possibly this was due to the Queen's unpopularity rather than to her use of the prerogative. Mary, indeed, differed in nowise from other members of her family in exalting the supremacy of the Crown. Her instructions, whenever opposition was shown to the Lieutenants within the counties, were extremely definite. It was made quite clear that while the Lieutenant was not meant to levy men except in such shires as fell under his Lieutenancy, yet within the limits of that Lieutenancy he was to be supreme.<sup>2</sup> His Commission extended to places privileged as well as not privileged. But here arose opposition. The Master of the Horse<sup>3</sup> was given a Commission for Kent, and immediately found himself in conflict, not only with the rights of the Cinque Ports and their Warden, but also with those of the town of Rochester. Now the privileges of cities, boroughs, and towns corporate with respect to musters, were as a matter of fact defined by the Parliament then sitting at Westminster, it being laid down that

'no person or persons inhabiting within any city, borough or town corporate, being a county of itself, or in which any

<sup>1</sup> Cf. Haynes, *State Papers, Edw. VI*, p. 115.

<sup>2</sup> *Acts of the Privy Council*, Feb. 13, 1557-8.

<sup>3</sup> Jermingham.



Justices of the Peace be or hereafter shall be by charter, shall be compellable by virtue of this act, to make his or their appearance with such furniture as is aforesaid at any muster hereafter to be had or taken out of the suburbs, precincts or liberties of the same city, borough or town; nor before any person or persons authorised by commission or otherwise as is aforesaid; unless the mayor or other head officer of such city, borough or town, and one other discreet inhabitant of the same at the least, be joined in the same Commission or other authority as is aforesaid, with the same other person or persons so authorised, any thing before mentioned to the contrary notwithstanding.' <sup>1</sup>

It may be that this was intended to refer to the authority of Commissioners, not of Lieutenants. A letter of interrogation from the Master brought instructions from the Council stating that as the Commission had been made out for the county of Kent, it certainly included Rochester and the Cinque Ports.<sup>2</sup> Nevertheless the Tudors understood the art of compromise. This particular case, bringing the Lieutenant into conflict with the Lord Warden, had opened up another question, namely, the relationship of the Lieutenant, not only to a liberty which claimed independence of him, but to another Royal officer.<sup>3</sup> The Master of the Horse was told that while his Commission undoubtedly extended to the places named, yet he was to write to the Lord Warden concerning the mustering of the Cinque Ports, and they were to settle the matter between them.<sup>4</sup> It was a note constantly struck in later documents. There was to be no quarrelling, private interests and ambitions were to be subordinate to the service of the Crown and

<sup>1</sup> 4 & 5 Ph. and Mary, c. 3 (x).

<sup>2</sup> *Acts of the Privy Council*, March 31, 1558; *ibid.*, July 6, 1557. The Council to the Justices of the Peace of Nottingham respecting the commands of the Earl of Shrewsbury.

<sup>3</sup> Later the Warden of the Cinque Ports, like the Presidents of the Council of the North and the Council of the Marches, received the Commission of Lieutenancy for Kent, when one was issued.

<sup>4</sup> *Acts of the Privy Council*, March 31, 1558.

the welfare of the State. Again, another doctrine, afterwards to be inculcated still more strongly, was already being asserted. Lord Abergavenny having removed into Sussex, when he had been told to remain all the summer in Kent, was ordered peremptorily to return to his house in the latter county.<sup>1</sup> It was held to be the bounden duty of all to remain each in his own county in times of peril, unless especially summoned away by the Crown. If any were unwilling to remain, or left the county without permission, it was the duty of the Lieutenants to recall them.<sup>2</sup>

By the end of October the Crown and Council seem to have decided that there was no immediate danger of revolt, nor would there be any possibility of a French invasion before the next spring. The majority of the Commissions were therefore terminated barely three weeks before the death of the Queen.<sup>3</sup>

<sup>1</sup> *Acts of the Privy Council*, April 12, 1558. The Council to Lord Abergavenny.

<sup>2</sup> *Acts of the Privy Council*, April 13, 1558.

<sup>3</sup> *State Papers Dom. Mary*, Vol. XIV, Oct. 29. The Commissions terminated were those of the Lord Treasurer, the Duke of Norfolk, the Earls of Arundel, Oxford, Pembroke and Bedford, Viscount Montagu, Lords Willoughby and St. John, and the Master of the Horse. Shrewsbury apparently retained his.

## CHAPTER III

### ELIZABETH

1558-1588

THERE were many reasons why Elizabeth should continue the appointment of Lieutenants. She had in many respects more disabilities to contend with than her predecessors. Not only could her legitimacy be called in question, but also she had a rival more dangerous than any with whom either her grandfather or her sister had been confronted. Marriage with Mary Stuart and the position of King Consort was a tempting bait, as much to ambitious noblemen at home as to kings and archdukes abroad. Nor was the military organisation of the counties in at all a satisfactory condition should invasion threaten. All the correspondence of Burghley bears ample witness to the fact that this gave considerable cause for anxiety. Lastly, after the Marian interval, there was the question of the settlement of the Church government and doctrine. It was by no means clear in 1558 either that the people of England would accept Elizabeth as their Queen, or that the Elizabethan settlement, as embodied next year in the Acts of Supremacy and Uniformity, would be a lasting one.

If, however, Elizabeth had more disabilities to contend with than her predecessors, she also had points in her favour. The comparatively few years that intervened between the dissolution of the monasteries and her accession were yet sufficient in number to have induced in the gentry who had gained possession of the monastic lands a very firm conviction that they did not intend

again to lose them. Mary and Pole had reluctantly recognised the fact that to attempt to controvert that conviction would have been merely to have provoked a rebellion. The Elizabethan squire, confronted with a choice between war, which might have deprived him of his lands, and peace, which would leave him in possession of them, was undoubtedly inclined to the latter, and was the more ready thereby to accept the responsibilities which the Crown insisted went with their ownership. Lastly, the Crown under Elizabeth must have gained immensely from the fact that in asserting its supremacy it was not asserting anything new or strange. The foundations on which the doctrine of the Divine Right of Kings was ultimately erected had been laid before Elizabeth came to the throne. Once she was there, the doctrine already enunciated by her predecessors, that loyalty to the commonwealth as personified in the sovereign must be the first duty of every Englishman, became the very backbone of the policy of the Crown.<sup>1</sup> It runs in some form of expression or other like a clarion call through every proclamation issued by the Queen and Council; it is the natural duty of man to uphold the Crown; it is unnatural subjects who rebel.

It was, however, one thing to assert the supremacy, another thing to maintain it, and theory was not divorced from practice. The Privy Council saw to it that all in the counties should know what their duty was to the Crown, and should carry it out. Never before had the doctrine of obligatory service been so insisted upon. It was service demanded from all alike.

It is indeed, in some sense, a matter for surprise that the Crown did not now make the Lieutenancy a permanent feature of the constitution. The continual presence

<sup>1</sup> For the effect of Elizabeth's sense of the extreme insecurity of her position upon the growth of the doctrine of the Divine Right of Kings, see Figgis, *Divine Right of Kings* (ed. 1914), pp. 86 *seq.*



in the counties of one man especially selected to be Her Majesty's representative might have been thought to have been a valuable support to the Crown. It is more than likely, however, that Elizabeth and her Council felt that that support might be bought too dearly. The dangers of establishing a permanent, and possibly a hereditary, Lieutenancy were manifest; but apart from this, when the Crown clung closely to that form of local administration which left the ordering of county affairs primarily in the hands of the county gentry as a whole, but especially of those nominated the Justices of the Peace, it did so in pursuance of an idea which constantly affected its policy. Allusion has already been made to the strength of the idea of legal equality in the sixteenth century. The Crown not only held it essential that service for the commonwealth should be performed by all, but were constantly careful not to allow any one man or any one class to assert pre-eminence. The organisation of the levies was frequently entrusted, as under Mary, to the Sheriffs and Justices of the Peace, acting as Commissioners of Musters. Lieutenants could be made useful to the Crown, but it intended to use them strictly according to its own pleasure. Its pleasure was that they should be appointed only for times of emergency. It is true that when they were so appointed they were expected to combine administrative work with their military duties to a far greater extent than they had done during any previous reigns. But since they were not a permanent institution in the counties, their work can only be considered with reference to county administration in general. When there were no Lieutenants in any particular district precisely the same work was carried out by the other Justices of the Peace.

The above facts throw some light upon the extremely irregular nature of the appointments. The Crown clearly stated more than once that the principal causes

of issuing the Commissions were then, as before, that the counties might be kept in quiet when enemies threatened without and rebellion within :

‘ . . . finally, Her Majesty remitteth to the said Lieutenant the care and government of the said counties and city, to be maintained both in quiet from doing of enemies and rebellions, which two things be the principal causes of this Her Majesty’s Commission. . . .’<sup>1</sup>

Examining, in the first instance, the first thirty years of the reign, it will be found that except only for the year 1561, during which no Lieutenants were apparently appointed at all,<sup>2</sup> there were always some Lieutenants in some counties, but the Commissions were issued, renewed, and terminated at erratic intervals, according to political exigencies. In sending out the Commissions, stress was laid upon the fact that the position was to be regarded as an exceptional and temporary one, the reasons for the appointment being carefully given, whether these took the form ‘notorious trouble made in the North Part of the realm,’<sup>3</sup> or ‘the doubtful proceedings of the French,’<sup>4</sup> or that occasion to which Elizabeth referred when she wrote of ‘the great preparations made by the King of Spain in respect of some unkindness that hath passed between us.’<sup>5</sup> Also, at least during all the earlier part of the reign, the Commissions were terminated abruptly as soon as the trouble was considered to have been safely surmounted. Thus on November 15, 1570, Elizabeth wrote that as the rebellion was over and the realm in quietness, there was no need for the Lieutenants who had been appointed

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. XCVII, No. 1.—Instructions given by the Queen’s Majesty to her trusty and right well beloved cousin and councillor, the Earl of Bedford, Lieutenant of the Counties of Devon and Cornwall and the City of Exeter, 1577. Cf. also *Cotton MSS.*, *Vespasian C.* XIV, 320.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. XVIII, No. 36.

<sup>3</sup> *Ibid.*, Vol. LXXIV, No. 34.

<sup>4</sup> *Ibid.*, Vol. XCVII, No. 1.

<sup>5</sup> *Ibid.*, Vol. XCVII, No. 2.

'to sustain the charge of executing that kind of extraordinary authority.' Therefore the Commissions were to cease, and the Lieutenants no longer to execute the office or undertake any other thing that was contained in the letters patent, but that they were to assist the ordinary officers, Justices, and Sheriffs.<sup>1</sup>

The Queen's first Commissions of Lieutenancy were made out in May 1559. Among them may have been one which was issued, or intended to be issued, to the Duke of Norfolk, Earl Marshal, making him Lieutenant over practically all the southern half of England. A copy of the instructions for the Duke exists, dated May 26.<sup>2</sup> His chief duties were to be: to keep the counties in peace and quiet, by publishing the 'act against rebellion,' and arresting and punishing seditious tale-tellers; to secure that the Act of Uniformity was put into due and quiet operation; and to have a special supervision of the Justices of the Peace, punishing any 'principal officer' who should show wilful negligence of these orders. In the absence of the Commission itself, and any definite information about its working, it is difficult to say whether or no it was ever put into effect. Much the same duties would have been expected of all the Lieutenants, the list of whom, with the counties for which they were commissioned, bears the same date as the Duke's instructions; in it the latter was named for two counties only, Norfolk and Suffolk.<sup>3</sup>

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. LXXIV, No. 34.—A letter to Lieutenants of Shires from the Queen, Nov. 15, 1570. Cf. also *ibid.*, Vol. VII, No. 9.—The Queen to the Earl of Arundel (Oct. 15, 1559).

<sup>2</sup> Lambeth Palace Library, *Lambeth MSS.*, 247, Part I, fol. 3.—Instructions given by the Queen's Majesty to her right trusty and right entirely well beloved Cousin the Duke of Norfolk, Earl Marshal of England, and her highness's Lieutenant of the counties of Hertford, Essex, Berks, Oxford, Bucks and Worcester, Hereford, Salop, Monmouth, Middlesex, and the City of London, etc. (See Appendix C I.)

<sup>3</sup> In a commission issued in August, 1599, to the Earl of Nottingham, making him Lieutenant and Captain-General of the armies, the Lieutenants of counties were spoken of as 'Lieutenants special.' Rymer, Vol. XVI, p. 383. *Pat. R. 41 Eliz.*, p. 24, m. 22 *dor.*

This list runs <sup>1</sup> :

Norfolk	}	. Thomas, Duke of Norfolk, Earl Marshal of England
Suffolk		
City of Norwich		
Southampton	}	William, Marquis of Winchester, Lord Treasurer of England
Winchester		
The town of Southampton		
The Isle of Wight and Portsmouth		
Sussex and Surrey	.	Henry, Earl of Arundel, Lord Steward of the Household
Devon	}	. Francis, Earl of Bedford
Cornwall		
City of Exeter		
Lincoln	.	{ The Lord Willoughby Sir Robert Tyrwhit the Younger, Knight Sir Edward Dymock, Knight
Kent	.	. Lord Cobham, Lord Warden
Somerset	}	. William, Earl of Pembroke
Wilts		
Dorset	.	. James, Lord Mountjoy
Gloucester	.	. Edmund, Lord Chandos
The Twelve Shires of Wales		{ The Lord William, Lord President
Hertford	.	. Lord Morley, Sir Rafe Sadler
Essex	.	. Earl of Oxford
Berks	.	. Sir William Fitzwilliam
Oxon	.	{ Mr. Vice-Chamberlain, Mr. Blount

This list, by no means identical with later lists, does however serve as an example of them. Taking first the Lieutenants themselves, it will be seen that a very large proportion of them were Privy Councillors. This

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. IV, Nos. 29 and 30.



had indeed been true of the Lieutenants of the earlier reigns. It by no means implied that they did not do the work, for, as again earlier, the instructions sent to the Lieutenants, at any rate during the first part of Elizabeth's reign, invariably ordered them to repair at once to the districts to which they were appointed.<sup>1</sup> Privy Councillors were not made an exception to the rule, and in this respect they played a double part. They were members of the central administration, but as Lieutenants they acted, not as strangers sent down by the Crown to coerce an unruly district, but as local landowners in concert with the other landowners of the counties. It was seldom, indeed, that anyone was given a Commission over a district in which he was a stranger, but there were no rules regulating their choice. It was usual to appoint one of the more prominent landowners of the district, and that is all that can be said. Commoners received Commissions as well as peers, and the Crown had but little regard to the claims of a son to succeed his father. At the same time, the counties under the charge of each Lieutenant were shifted constantly. The following comparison of two lists, one for 1569,<sup>2</sup> the other for 1587,<sup>3</sup> will show

1569		1587	
Nottingham	} Earl of Shrewsbury	Nottingham	} . Earl of Shrewsbury
Derby		Derby	
Stafford .	} . Viscount Hereford	Stafford	
Lancaster		Lancaster	} . . Earl of Derby
Chester	} . Earl of Derby	Chester	
Leicester		Leicester	} Earl of Huntingdon
Rutland	} . Earl of Huntingdon	Rutland	
		Yorkshire	
		Northumberland	
		Cumberland	
		Westmoreland	
		Bishopric of Durham	

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. XCVII, No. 2.

<sup>2</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. I, No. 1409.

<sup>3</sup> *Ibid.*, *Foljambe MSS.*, fol. 125b.

1569	1587
Lincoln . . Lord Clinton <sup>1</sup>	Lincoln } . . Lord Treasurer
Essex . . { Lord Rich	Essex } . . Lord Treasurer
Essex . . { Lord Darcy of	Hertford } . . Lord Treasurer
Ciche	
Hertford . . Sir Ralph Sadler	
Norfolk } . . Lord Wentworth	Norfolk } . . Lord Chamber-
Suffolk } . . Lord Wentworth	Suffolk } . . Lord Chamber-
Devon } . . Earl of Bedford	Devon . . . . Earl of Bath
Cornwall } . . Earl of Bedford	Cornwall . . . Sir Walter
	Raleigh
Dorset . . { Lord Mountjoy	Dorset . . . { Marquis of
Sir William Paulet	Winchester
Hampshire . Lord Treasurer	Hampshire } . { Marquis of
	Winchester
	Earl of Sussex
Cambridge . Lord North	Cambridge . . Lord North
Gloucester . Lord Chandos	Gloucester . . Lord Chandos
Huntingdon { Sir Walter Mild-	Huntingdon . . Lord St. John
may	
Sir Robert Tirwhit	
Salop . . . Sir Andrew Cor-	Salop } . . Earl of Pem-
bett	Worcester } . . Earl of Pem-
Worcester . Earl of Leicester	Hereford } . . Earl of Pem-
Hereford	12 Welsh
12 Welsh	Counties
Counties	
Warwick . . Earl of Warwick	Warwick . . . Earl of Warwick
Somerset } . . Earl of Pembroke	Somerset } . . Earl of Pem-
Wilts } . . Earl of Pembroke	Wilts } . . Earl of Pem-
Bucks . . . Lord Grey	Bucks . . . . Lord Grey
Oxford . . . Sir Francis	Oxford . . . . Lord Norris
Knollys	
Berkshire	Berkshire . . . Sir Francis
	Knollys
Surrey . . . The Lord Cham-	Surrey . . . . The Lord Ad-
berlain	miral
Beds . . . Lord St. John of	Beds . . . . Earl of Kent
Bletso	
Middlesex . The Lord Trea-	Middlesex
surer	
Northampton Marquis of North-	Northampton . The Lord Chan-
ampton	cellor
Kent . . . Lord Cobham	Kent . . . . Lord Cobham
Sussex . . { Lord Montague	Sussex . . . { Lord Admiral
Lord Buckhurst	Lord Buckhurst
Lord de la Warr	

<sup>1</sup> In *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 54, the Earl of Lincoln.

something of the changes which were made. Almost any two lists taken from any two years of the reign will show similar variations.<sup>1</sup>

The increase in the number of Lieutenants, with the corresponding limitation of the extent of the districts under their control, may well have been the result of a definite policy on the part of the Crown. Lieutenancies like that of the Earl of Pembroke for Wales, and that of the Earl of Huntingdon for the northern counties in 1587, were the exception. But no fixed rule was ever followed; sometimes counties were grouped together in twos and threes<sup>2</sup>; often a single Lieutenant was appointed for a single county; but, conversely, one county not infrequently had two or even three Lieutenants acting in conjunction one with another. This last cannot be explained by the fact that the county fell naturally into divisions; a Lieutenant for each of the three Ridings of Yorkshire would have been explicable, but there is no trace of this or similar divisions being then recognised as regards the Lieutenancy.<sup>3</sup> The grouping of the counties was also by no means constant. A county which had been grouped with two or more others one year might have a single Lieutenant a short time afterwards: or then might be placed under the care of two Lieutenants; lastly, it might be left without a Lieutenant altogether. The districts for the Lieutenancy were deliberately selected by the Crown with regard to the political situation of the moment. Hence the frequency of the Commissions for the North of England and the maritime

<sup>1</sup> Cf. *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 54. The Lieutenants for the Maritime Counties, June 1585, with a note of those in 1569.

<sup>2</sup> Counties were still grouped together for the purpose of the Lieutenancy in the seventeenth and eighteenth centuries. Cf. Lists of Lords Lieutenants given in Chamberlayne's *Magna Britannniæ Notitia*.

<sup>3</sup> But musters, when taken by Commissioners for Musters, were taken separately for each of the three Ridings.

counties, more especially those of the south-west and the south-east.<sup>1</sup>

The position of the Crown, however, is clear. It regarded the right of issuing Commissions of Lieutenancy for whatsoever places it pleased as part of its prerogative.

The principle was extended to the extra-comital districts. Even in the case of the duchy of Lancaster the Lieutenant was appointed in the same manner as other Lieutenants under the Great Seal, not under the Seal of the duchy. No doubt this was primarily because Lancaster did not as a rule have a separate Lieutenant, but was joined for the purpose of the Lieutenancy, usually with Chester,<sup>2</sup> but sometimes with other counties also.<sup>3</sup> This Lieutenancy is remarkable as being the one which was in practice hereditary. Between 1553 and 1593 it was held in succession by the third, fourth, and fifth Earls of Derby, and was renewed to the sixth Earl in 1607.<sup>4</sup>

Again, the Bishops of Durham and Ely might appoint their own Sheriffs and Justices of the Peace, but the Lieutenant, being distinctively the representative of the Crown, was not appointed by them, nor under Elizabeth was the Bishop of either place ever himself given the Commission of Lieutenancy. In the case of Ely, however, it appears that as long as the see was filled, the Isle was considered exempt from the control of the Lieutenant of Cambridgeshire, and musters were taken

<sup>1</sup> Cf. *Talbot MSS.*, Vol. E, fols. 149, 175. Lieutenants named on account of disturbed state of north. *Hist. MSS. Com.*, *Foljambe MSS.*, fol. 88; *ibid.* fol. 129b; *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 54; *Lambeth MSS.*, 247, Part II, fol. 1.—This gives a note of counties which were put under Lieutenants and those which remained without them.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 54 (1569); *ibid.*, Vol. CLXXIX, No. 52 (1585); *Hist. MSS. Com.*, *Foljambe MSS.*, fol. 125b (1587).

<sup>3</sup> As was the case in 1547 and 1553.

<sup>4</sup> Cf. names of Lords Lieutenants for Lancashire as given in *Official Lists of the Duchy and County Palatine of Lancaster*, compiled by W. R. Williams. For a more detailed history of this Lieutenancy, see Chetham Soc., *Lancashire Lieutenancy Papers*.



there, by command of the Crown, by the Bishop and Justices of the Peace.<sup>1</sup> Later, when the see was kept vacant for many years, the bishopric was simply treated, for the purposes of the Lieutenancy, as a part of Cambridgeshire.<sup>2</sup>

The case of Durham was somewhat different. Even in the days when the Bishop of Durham enjoyed the rights of a prince palatine with far less interference than he experienced under the Tudors, he had never possessed the last prerogative of royalty, that of declaring war and peace. Hence, even in the thirteenth century, when the right of arraying, training, and arming the levies under his own Commission was unquestionably his, he had been expected to do this immediately on receipt of a summons or mandate from the Crown.<sup>3</sup> The result, however, of the policy of the English Crown with regard to the palatinates, influenced by the geographical position of the bishopric, was that during the fourteenth century the theory gradually took shape that the Bishop of Durham enjoyed his franchise at the service of defending the borders.

The history of the next two hundred years is that of a slow but determined whittling away of his privileges, while his military authority in particular was weakened, first by the powers given to the Warden of the Marches, and next by those of the Council of the North.<sup>4</sup>

The drastic proceedings of Northumberland with respect to the bishopric have already been noted. Those of Elizabeth were not nearly so drastic, but even so the Crown differentiated not at all between Durham or any other district in England as to the Lieutenancy,

<sup>1</sup> *Acts of the Privy Council*, August 16, 1565.—Letters to Lord North and the rest of the Commissioners and to the Bishop of Ely.

<sup>2</sup> *Crown Office Docquet Book*, 1595-1602, fol. 273. Cf. *State Papers Dom. Eliz.*, Vol. CLXIII, No. 29.

<sup>3</sup> Hutchinson, *op. cit.*, Vol. I, p. 292; G. T. Lapsley, *History of the County Palatine of Durham*, p. 304.

<sup>4</sup> G. T. Lapsley, *op. cit.* pp. 305 seq.

assuming the right to commission a Lieutenant for the palatinate whenever it deemed it necessary. Thus on August 17, 1565, the Earl of Bedford wrote to the Earl of Shrewsbury :

'After my very hearty commendations to your good lordship. By your Lordship's gentle letter of the 11th of this present I understand that you have received the Queen's Majesty's Commission of Lieutenancy for the counties of York Nottingham and Derby as I have in like manner for these counties of Northumberland, Westmoreland and the Bishopric of Durham, whereof for her Majesty's service I am very glad, hoping to find such aid and assistance thereby as your Lordship and by your means as shall be requisite, and appertain. And touching the number of two thousand men appointed to be levied for the succour of this her Majesty's peace, to the number of 1600 there in Yorkshire, and the residue being 400 within the Bishopric now my charge, and having conferred upon this part of your Lordship's letter with the Sheriff of that County Palatine and other worshipful of the same, for the better putting the said number of 400 in a readiness upon the sudden, or otherwise as cause shall require: they do affirm that they never had order nor commandment for the levying of the same nor that it hath been heretofore seen, that the Bishopric should be charged with the sending forth of any, since the same is the strength and refuge appointed wholly and altogether to come to aid this peace and the unpeopled frontiers here, and that in taking any from them we do much decay our own force. Wherefore, since your Lordship hath not the charge to levy the whole two thousand, I shall nevertheless use some part of mine authority in this behalf and give them order that the said 400 shall be in a readiness as my lords of the Council's order was they should. If in any other thing I shall at any time find your good Lordship help or aid I shall not fail to let your Lordship understand thereof from time to time. . . .'<sup>1</sup>

<sup>1</sup> *Talbot MSS.*, Vol. E, fol. 157. Addressed 'to the right honourable my very good lord the Earl of Shrewsbury Knight of the Order and Lord Lieutenant of the Counties of York Nottingham and Derby,' and endorsed: 'from the Earl of Bedford of the 17th of August and received the 19th of the same.'

In 1587 the bishopric was included in the Lieutenancy of the Earl of Huntingdon,<sup>1</sup> and there was probably at least one Lieutenant appointed later in the reign.<sup>2</sup>

It seems likely that Bedford had been given military control over Durham in connection with his Governorship of Berwick. It is one of the few cases in which a Lieutenant was sent into a district with which he was not especially connected as a landowner. His duties, and it may be presumed those of the Lieutenants who followed him, would have been purely military, not joined with any administrative work such as devolved upon Lieutenants in other places. As is shown by Bedford's letter, however, the office immediately brought him into conflict with the Sheriff of the county palatine respecting the rights of the men of the palatinate not to be levied for services other than those on the Scottish border.

But on the whole, such conflict was rare. The Earl of Huntingdon, as President of the North, stated in 1584 that musters had always been taken in the bishopric by Her Majesty's Commission, and that the same course was to be continued.<sup>3</sup> Certainly the Crown sent a Lieutenant into the bishopric whenever necessary, but although, for obvious reasons, during the whole of that century the Bishop was never himself named Lieutenant, yet his rights were recognised whenever the Crown held it could be done with convenience and safety. In some instances, at least, the form was gone through of asking the Bishop for permission to have a number of men levied, although the surmise may safely be made that it would not have been wise for him to have refused.<sup>4</sup> When as was the case for the greater part of the time, the bishopric was not included in a Lieutenancy, musters

<sup>1</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 125b.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CCLXI, No. 1 Dec. 1596.

<sup>3</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 55, July 1584.—Extracts from the Lord President's letter to the Privy Council.

<sup>4</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 54.

were usually taken by the Commissioners for Musters, of whom the Bishop was probably always one.<sup>1</sup>

No difficulties seem to have arisen in the case of the Presidents of the Council of the North and the Council of the Marches. The President of the latter appears from the very first always to have held a Commission of Lieutenancy for the twelve Welsh counties. By 1587, or possibly earlier, the border counties of Salop, Worcester, and Hereford were as a rule included in his Lieutenancy.<sup>2</sup> Gloucester, however, was not so included, although the Lieutenant always had strict orders to act in conjunction with the Earl.<sup>3</sup> Somerset and Wilts, on the contrary, had on occasion the President as Lieutenant.<sup>4</sup>

The history of the Lieutenancy in relation to the Council of the North differs somewhat, and affords a good illustration of the extremely elastic methods by which the Lieutenancy was organised. There is no mention of Lieutenants for Yorkshire, or indeed any of the northern counties, in the list for 1559. Shrewsbury ceased to be President of the Council in 1560, but in 1565 the three counties of Yorkshire, Nottinghamshire, and Derbyshire were grouped together under his Lieutenancy.<sup>5</sup> The reason for issuing the Commission to the Earl rather than to the President of the Council might well have been that the Archbishop of York was

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. LI, No. 14.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 106b. The Privy Council to the Earl of Pembroke. It is stated in the Introduction to the Calendar of the *Quarter Session Papers* (Vol. I of the *Worcester County Records*) that in 1543, or thereabouts, the office of Lord Lieutenant of the counties of Worcester, Salop, and Hereford was attached to, and subsequently held with, the office of the Lord President of the Council of the Marches. This certainly, however, did not occur, at least as a regular thing, until a very much later date. In 1569, for instance, Sir Andrew Corbett was Lieutenant for Salop and the Earl of Leicester for Worcester. Cf. Hist. MSS. Com., *Hatfield*, Vol. I, No. 1409.

<sup>3</sup> Hist. MSS. Com., *Foljambe MSS.*, fols. 106b, 129b.

<sup>4</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 54.

<sup>5</sup> *Talbot MSS.*, Vol. E, fol. 175.



then filling the latter office.<sup>1</sup> But after this it appears to have become an invariable rule to issue a Commission of Lieutenancy for Yorkshire to whomsoever held the office of President, even when, as in 1598, it was again the Archbishop.<sup>2</sup> Nottinghamshire and Derbyshire, however, which had been placed with Yorkshire under Shrewsbury, were not so united with it again, but underwent a varied experience, sometimes placed with a third county, namely, Stafford, under a single Lieutenant for the three,<sup>3</sup> sometimes separated.<sup>4</sup>

The arrangement of the counties, therefore, for the purposes of the Lieutenancy, was entirely arbitrary, and always variable. But Lieutenants were always appointed for a county or counties as a whole. In no case did the line of demarcation of their districts strike across a county boundary.<sup>5</sup> Nor, on the other hand, were any such well-recognised divisions of a county, such as the Ridings of Yorkshire or the three parts of Lincolnshire, given a separate Lieutenant, and that dignity was denied also to counties corporate or liberties which were normally exempted from the jurisdiction of the Sheriff of the county at large in which they lay, and which in some cases had a separate Commission of Peace. The exceptional case of Ely under Edward VI has already been noted. It remained an exception. There were no Lieutenants named even for districts claiming such immunities as did the Soke of Peterborough or the Isle of Purbeck.

London, at least among the towns, might have

<sup>1</sup> *Pat. R. 6 Eliz.*, p. 4. Thomas Young, Archbishop of York, President of the Council, 1564-1568.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 54; *Hatfield MSS.*, Vol. IV, p. 14; *Acts of the Privy Council*, Jan. 31, 1598.

<sup>3</sup> *Hist. MSS. Com.*, *Hatfield MSS.*, Vol. IV, p. 14.

<sup>4</sup> *Ibid.*, *Rutland MSS.*, April 1557; *Acts of the Privy Council*, Jan. 31, 1598.

<sup>5</sup> In the case of the Commission of Array issued to the Earl of Derby in 1536, Staffordshire seems to have been divided between him and the Earl of Shrewsbury.

expected to have its own Lieutenant. But this does not appear ever to have been the case, either in the sixteenth century or later.<sup>1</sup> It did, however, occupy a privileged position. Middlesex was one of the counties most frequently left without a Lieutenant. When one was appointed his authority, at all events during all the latter half of the century, was not considered to extend to the City of London, which had its own Commissioners of Musters in the persons of the Mayor and certain picked gentlemen.<sup>2</sup>

In theory all other towns, whether counties corporate or not, as well as all other privileged districts, fell absolutely under the authority of the Lieutenant of the counties in which they lay. In practice, however, some compromise was recognised, if the word may be used, when the Crown kept all the advantage on its own side. It was compromise inasmuch as the Crown was willing to recognise certain claims when it was quite safe to do so.

As has been seen, Commissions of Lieutenancy had varied considerably in form during the earlier reigns. The absence of original Commissions, or copies of them,

<sup>1</sup> *Report of the Royal Commission for the Amalgamation of the City and County of London*, 1893.

<sup>2</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. I, No. 1409 (1569); *State Papers Dom. Eliz.*, Vol. CCXLV, No. 39.

A similar body of Commissioners continued to act for London in place of a Lieutenant throughout the seventeenth and eighteenth century (British Museum, *Broadsides*, 1644 to 1736, fol. 40). In 1893, at the sitting of the Royal Commission, a proposal was brought forward on behalf of the City to this effect: 'That the Lord Mayor shall during his term of office be the Lord Lieutenant . . . of the County of London.' The spokesman of the Committee said: 'We attach a great deal of importance to this proposal, because we are very anxious to make the position of Lord Mayor of London really the chief position in the County.' The Chairman of the Committee asked: 'You have at present a Lord Lieutenant of the County of London?'—'Yes, the Duke of Westminster.' 'And he would be displaced by this proposal?'—'Yes.' The final recommendation of the Commission was that the Lieutenant of the County should not be displaced, but that the Commissioners of Lieutenancy for the City should act as Deputy Lieutenants for the County of London.

for the first years of Elizabeth renders it impossible to say precisely what wording was then used. But for later years the recognised form was evidently that entered on the Patent Rolls, dated June 1585.<sup>1</sup> About this time there was perhaps some discussion concerning the Lieutenancy. Shortly before the death of the second Earl of Bedford that summer<sup>2</sup> a collection of papers relative to the Lieutenancy he had held in the west during the last year of the previous reign, and again on several occasions during the current reign, were sent up to Walsingham.<sup>3</sup> These documents may well have been used in making out the new Commissions which were issued between 1585 and 1587, first for the maritime counties, and then for nearly all the island counties also, when word came of the great preparations of the King of Spain.<sup>4</sup> It was this period which was in some respects a turning-point in the history of the Lieutenancy. The necessity of being prepared for invasion which brought about the appointment of Lieutenants also required that they should retain their posts long after 1588. At the same time other developments showed themselves, one of which was the increased importance of the Lieutenants' Deputies.

<sup>1</sup> *Pat. R.* (divers years) *Eliz.*, No. 1606. This Commission is printed by Prothero, *op. cit.* p. 154.

<sup>2</sup> He died at Bedford House in the Strand, July 28, 1585.

<sup>3</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 58, fol. 123.—A note of certain Commissions of Lieutenancy sent to His Hon. from the Earl of Bedford in two boxes.

<sup>4</sup> Several Commissions of Lieutenancy, dated between 1585 and 1587, exist, all with similar wording. Cf. *Hist. MSS. Com., Foljambe MSS.*, fol. 66 (2).—Form of Commission to a Lord Lieutenant, June 1585. *Lambeth MSS.*, 247, fol. 5.—A copy of Lieutenancy given in May. An. 1585. *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 17.—A Joint Commission of Lieutenancy for the Marquis of Winchester and the Earl of Sussex for Hampshire, June 1585. *Munimenta Antiqua, Northamptonshire. Miscellanea*, fol. 3.—Transcript of Commission of Lieutenancy for Sir Christopher Hatton, Sept. 1586. See Appendix, B. iv.

*Deputy Lieutenants*

It is clear from the very first that the system of a Lieutenancy could not have been worked without the co-operation of the Lieutenant's neighbours; not only their moral support was required, but active assistance also. The work of viewing and training the levies, as well as all the other administrative business of the county, had to be carried on whether there was a Lieutenant there or no. The gentlemen of the county were not novices at the work. Groups of them could be called upon by the Crown to act as Commissioners for Musters when no Lieutenant had been appointed. When one was appointed, since more reliance could be placed upon some of his neighbours than others, and—a point which becomes more important towards the end of the century—since some were more ardent supporters of the Church settlement than others, it was natural that there should come about a process of selection by which some were chosen to act as special assistants to the Lieutenant. Quite early in the reign of Elizabeth these men appeared under the title of Deputy Lieutenants, and during her reign they steadily acquired importance.

The immediate obvious cause of these appointments was the simple fact that the Lieutenant could not do the work without help. But another and more intangible cause affected the whole situation.

During the earlier reigns the Lieutenant, when appointed, stands out in the history of the counties a solitary figure. It is true that his appointment was only temporary, that from the point of view of the county he was merely one of themselves, and that all had to work with him; but the early Lieutenants, such men as the Earls of Bedford, Derby, and Shrewsbury, do appear in the various letters and instructions as single figures dominating the situation. Under Elizabeth



there was a gradual change. It was not that the Lieutenants decreased in importance in the county, but that their neighbours, especially those who were chosen for Justices and Deputy Lieutenants, grew more important. No doubt a variety of causes contributed to this. The country squires, especially the lesser men unconnected with the Court, had been steadily consolidating their position ever since the dissolution of the monasteries. Besides administering the county in their capacity of Justices of the Peace, and finding considerable time for hunting, they had succeeded, in addition, in profiting considerably by the agrarian revolution, and also in many instances by the new facilities in trade. The result was that by the middle of the reign, when the second generation had stepped into their fathers' shoes, the English squirearchy consisted of a body of men who were well-to-do, who had, according to foreign observation, no mean opinion of themselves, and had acquired that serviceable fund of experience that comes from dealing in matters of administration with all kinds and conditions of men. Such men, even while they acknowledged the superior position of the Lieutenant for the time being, were not unlikely at the same time to reflect that after all they were as good as he was. Some at least in their letters implied that they had no doubts whatsoever on the subject. The Crown itself had inculcated the doctrine that they and he alike were merely sharing a common responsibility; no class distinction marked them off from him, nor was there any reason why one of themselves should not be appointed to his office.<sup>1</sup>

It is extremely difficult to say precisely when Deputy

<sup>1</sup> Sir Matthew Arundel, Deputy Lieutenant of Dorset, writing to Cecil (Dec. 1598), suggested either Sir George Trenchard or Sir Rafe Horsey 'as fit for principal Lieutenants,' adding that precedents were not wanting for offering that authority to knights, as, for example, Sir H. Nevill in Berks and Sir Walter Raleigh in Cornwall.—Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, p. 486.

Lieutenants were first actually appointed. There appears to be no mention of them in the various papers of instructions and letters connected with the Lieutenancy under Edward VI, but one of the copies of the letter sent by Lady Jane Grey to the Marquis of Northampton was endorsed :

‘The Marquis of Northampton our lieutenant of our county of Surrey and our trusty and well beloved the deputies of that lieutenancy and the sheriff and chief justices of the peace and the worshipful of that shire.’<sup>1</sup>

At the end of the following reign, when the Master of the Horse asked whether he must himself muster all the inhabitants of his Lieutenancy, he was told by the Privy Council that he might appoint substitutes.<sup>2</sup> Probably no more was implied by this, nor perhaps by the reference in Lady Jane Grey’s letter, than that the Lieutenant had inevitably to pick out certain men in different counties to act for him, especially in those cases when the Lieutenancy extended over three or four, or even more counties. It is possible that some Deputies may have been appointed in 1559. A note among the Earl of Bedford’s papers respecting Deputies for Devonshire may refer to this year.<sup>3</sup> The Duke of Norfolk may also have had them that year for Norfolk.<sup>4</sup> But, again, the absence of original Commissions of Lieutenancy for the earlier years of the reign creates difficulties. By 1569, for which year a complete list of Deputies is found among the State papers, the Deputy Lieutenant had emerged as a recognised official.<sup>5</sup> He was appointed by means of a special clause of deputation

<sup>1</sup> Kempe, *Loseley MSS.*, No. 45, but there is no mention of Deputies in the corresponding letter in *Lansdowne MSS.*, 1236, fol. 24.

<sup>2</sup> *Acts of the Privy Council*, March 31, 1558.

<sup>3</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 58, fol. 123.

<sup>4</sup> *Ibid.*, Vol. IV, Nos. 29, 30. Under the name of the Duke of Norfolk as Lieutenant for Norfolk and Suffolk appears a note : ‘ Norfolk : Mr. Haydon, Mr. Wyndham ; Suffolk : The Keeper of the Great Seal.’

<sup>5</sup> *State Papers Dom. Eliz.*, Vol. LIX, Nos. 57–62.

inserted in the Commission of Lieutenancy.<sup>1</sup> This clause gave the Lieutenant power to confer letters of deputation on certain of the gentry nominated by the Crown within his district.

The letter of deputation ran as follows <sup>2</sup> :

*A Form of Deputation for the Lords Lieutenants.*

To all to whom this present writing shall come, A. B. etc. and of the honourable order of the Garter Knight, Lieutenant of her Majesty's counties C. and D. and her city of E. sends greeting, in our Lord God everlasting.

Where(as) the Queen's Majesty her Letter Patent bearing date etc, hath made, constituted and ordained me the said A to be her Highness' Lieutenant, within the said counties and the said city of E. and by the same hath given full power and authority unto me for the better assistance, performance and execution of her said Highness' Commission, to appoint, assign and constitute deputies within the said shires, and the city of E. as well within the liberties as without: And further by the said Commission did give unto the said deputies so by me to be assigned and appointed, full power and authority in my absence to do and execute in the said counties and city all and every thing and things by the said Commission assigned and appointed by me to be done and executed. Know ye therefore, I, A. B. of C. have according to the tenour of the said Commission, appointed, assigned and constituted my trusty and well beloved Sir Jo. S. and Henry B. knight, to be my deputies in the said counties of D. and in the city of E. and Sir William S. knight and H. T. esquire to be my deputies in the said county of C. and whatsoever the said Sir John S. or Sir Henry B. shall do or execute by force of the said Commission, so appointed, assigned and constituted in the county

<sup>1</sup> Prothero, *op. cit.* p. 154.

<sup>2</sup> *Lambeth MSS.*, 247, Part I, fol. 15. Cf. *Hist. MSS. Com.*, *Foljambe MSS.*, fol. 68.—A form of deputation for the Lords Lieutenants. This last is said by the editor to be taken from one of the papers of the Earl of Bedford. The Lambeth document may also be a copy of the same. Cf. also *Hist. MSS. Com.*, *Hatfield MSS.* Vol. III. No. 612. The copies are often made carelessly; sentences and words are repeated and initials transposed, etc.

of D and city of E. and also whatsoever the said Sir W. S. and H. T. shall do and execute likewise by force of the said Commission within the said counties of C, I the said A. B. Earl of etc. do allow and approve the same in all points and in everything as if myself were then present in person. In witness etc.

Sometimes the Crown nominated without consulting the Lieutenant, but in many cases it appears that the names were suggested by the latter from among the Justices of the Peace;<sup>1</sup> doubtless, in practice, the appointment often rested in the hands of the Lieutenant. The Privy Council well understood the art of making as much use as possible of all sources of information about local men and affairs. The Lieutenant could frequently give valuable advice concerning his neighbours.<sup>2</sup>

The clause of Deputation, however, was not inserted in every Commission of Lieutenancy.<sup>3</sup> Throughout the reign there were always some Lieutenants who had no Deputies.<sup>4</sup> Where there were Deputies their Commissions

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 58.

<sup>2</sup> In the next reign, at least some Lieutenants were allowed to appoint deputies entirely at their own pleasure. Cf. *Liber Pacis*, James I, 1608 (*State Papers Dom. Jas. I*, Vol. XXXIII), which contains the names of Lieutenants 'as may appoint such Deputies as they think fit'; also *Bodleian Library MSS.*, Firth, C4. (Muster Book for Essex, 1625), fol. 133. Memoranda, 'that the ninth day of May, 1625, the Rt. Hon. the Earl of Sussex, Lord Lieutenant of this county (i.e. Essex) received a new Commission of Lieutenancy by virtue whereof his Lordship had power to appoint from time to time such persons to be his Deputy Lieutenants as he in his discretion shall think fit, whereas until the ninth day of May all the gentlemen who were to be Deputy Lieutenants within the county of Essex were ever named in all the Lords Lieutenants their Commissions.'

<sup>3</sup> *Pat. R.* 41 *Eliz.*, p. 24, m. 20 dor. (Rymer, Vol. XVI, p. 382).—A Commission to Thomas Lord Burghley, Lord President of the Council, to be Lieutenant of the county of York, etc. Cf. also *State Papers Dom. Eliz.*, Vol. CLXXIX., No. 17.

<sup>4</sup> There were, for example, no Deputy Lieutenants appointed in the county of Cambridge until 1596 (*Crown Office Docquet Book*, 1595-1602, fol. 40). Cf. *Acts of the Privy Council*, 16 August, 1601 (County of Gloucester).



were merely part of the Commission of Lieutenancy—hence they terminated when that did. Also, when Deputies were given to a Lieutenant who had not hitherto had them, or when a new name or names were added, a new Commission was issued to the Lieutenant.<sup>1</sup>

At the beginning the number of Deputies allowed to each Lieutenant was, as a rule, two for each of the counties under his charge.<sup>2</sup> This number, however, was shortly increased to three, which apparently continued to be the recognised minimum.<sup>3</sup> If, however, the various lists of Deputies can be taken as a guide, no rule was ever strictly adhered to in the matter. In the same year some counties would have one Deputy and others two, three, four, or five. Nor were these distinctions entirely according to the area of the county. Probably the real guide to the number of Deputies was the requirements of the Lieutenant, supposing he was much away from his district, together with the political and social conditions. More Deputies were named between 1585 and 1588 than had been the case hitherto;<sup>4</sup> in Devonshire the young Earl of Bath had as many as six, the number recommended by the Earl of Bedford, who had advocated making the county into three divisions with two Deputies for each.<sup>5</sup> Towards the end of the reign, the troubles of the President of the Marches are reflected in the constant recurrence of new Commissions adding Deputies for the Welsh and border counties.<sup>6</sup>

<sup>1</sup> *Crown Office Docquet Book*, 1595–1602, various entries.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 58, fol. 123.

<sup>3</sup> *Crown Office Docquet Book*, 1595–1602, fol. 41, a note concerning 'the appointment of Deputy Lieutenants, least number which ought to be three (according to a warrant in Sir Thomas Bromley's time).'

<sup>4</sup> *Hist. MSS. Com., Foljambe MSS.*, fol. 125b, 1587.—'The Names of the Lieutenants and their Deputies throughout the Realm.'

<sup>5</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, No. 58, fol. 123.—Note of the papers found in the 'lesser box' of the two sent by the Earl to Mr. Secretary Walsingham.

<sup>6</sup> *Crown Office Docquet Book*, 1595–1602; *Acts of the Privy Council*, vols. 1595–1602, various entries.

Finally, an important difference may be noted between the Lieutenant as he originally was and his Deputies. The Lieutenant has been seen to have had charge, in most cases, of more than one county, and even when the same man was commissioned and re-commissioned as Lieutenant, the district under his control was not necessarily, although it was very often, the same as that of which he had had charge before. The Deputy Lieutenant, on the other hand, was from the very first, and remained, an official of a single county. He was nominated for that county in which he was a landowner, and, as a rule, Justice of the Peace, and for that alone. Thus a Lieutenant having charge of three counties had Deputy Lieutenants for each of them.

At first, at any rate, the Deputies appear to have been appointed for the county as a whole, to act within the liberties as well as outside them. It was not assumed that any special district had a right to a Deputy Lieutenant of its own. There was no Deputy named even for such an important liberty as the bishopric of Ely, which was, as has already been noted, included within the Lieutenancy of Cambridgeshire, until in 1598 the Lieutenant of the County asked for and obtained a special Deputy for the Isle.<sup>1</sup> The case of the Soke of Peterborough, however, is far from clear. When a Commission of Lieutenancy was issued to Sir William Hatton for the County of Northamptonshire in 1586 he was given three Deputies, who were named for the whole county without any indication whether or no the Soke was included;<sup>2</sup> but in 1588, the Lieutenancy still continuing, the Bishop of Peterborough and the Justices of the Soke are mentioned as levying the men within that district.<sup>3</sup> Probably, what as a rule happened is best represented by

<sup>1</sup> *Acts of the Privy Council*, July 29, 1598.

<sup>2</sup> Appendix, B iv.

<sup>3</sup> *State Papers Dom. Eliz.*, Vol. CCXIV, No. 32.

the instance of Lincolnshire as stated by Lord Burghley. He wrote to his Deputies :

‘ Though I have limited Lindsey to be under the peculiar charge of you, the Earl of Willoughby and Sir Edward Dymock, and the other parts of Kesteven and Holland to be under the charge of Sir Thomas Cecil and Sir Anthony Thorold, yet my meaning is not but that you all jointly and severally should have care and regard to the whole body of the Shire as in general cause shall be given ’<sup>1</sup>

The policy of the Crown was, in fact, not so much to give liberties within the counties the honour of Deputy Lieutenants of their own, as to divide the county among the Deputies in such a way that the work might be done most profitably.

Deputies, however, were not infrequently named for the more important towns in the Lieutenancy. Normally this Deputy would be the Mayor. In some instances the Recorder and a few of the important townsmen would also be commissioned.<sup>2</sup> How far, however, the clause in the Act passed by the Marian Parliament was put into action is doubtful. It cannot be said to be clear, from the lists, that every town claiming the privileges of a county corporate always had its Mayor or some important citizen for its Deputy. Liberties and corporate towns, however, seem usually to have had their own Commissioners for Musters when these replaced the Lieutenant and his Deputies. The case of London has already been mentioned.

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCVI, No. 62.—Articles of instruction by Lord Burghley to his Deputy Lieutenants in Lincolnshire, December 1587.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 125b (1587). ‘ The Names of the Lieutenants and their Deputies throughout the Realm,’ gives the following as Deputy Lieutenants :—Bristol : The Mayor ; Exeter : The Mayor and Recorder and some townsmen ; Gloucester : the same. *Lambeth MSS.*, 247 adds to this Oxford : The Mayor, Recorder and some of the townsmen.

1588-1603

It has been remarked already that the years immediately previous to the coming of the Armada were, to a certain extent, a turning-point in the history of the Lieutenancy. One development was that the Commissions were not now terminated directly the immediate danger was over, but Lieutenants who had been appointed during those years seem in the majority of cases to have continued to hold office until the end of their life.<sup>1</sup> At the same time, more Commissions were issued for single counties than hitherto, although some Lieutenants still had Commissions for two or more counties, and counties in some instances two or three Lieutenants allotted to them. But these were not the only changes. When a Lieutenant had merely been appointed for a few months at a time, even if he were a Privy Councillor and held high military or political office besides, it was comparatively easy for him to remain on the spot during the emergency period. When he continued as Lieutenant not for months but for years, the case was altered. He was frequently absent from the counties, and during his absence the work was done by the Deputy Lieutenants, with the result that they thereby acquired increased importance. In such Lieutenancies as that of the Lord High Admiral in Surrey and Lord Burghley in Lincolnshire, the work must have been almost entirely undertaken by the Deputies. Lord Burghley wrote in December 1587 to Lord Willoughby of Parham :

‘ And for that I am not so well acquainted with the state of all parts of the said county to consider of myself how the said numbers of horsemen and footmen may conveniently be proportioned out of the several parts and divisions of

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCLXI, No. 1 ; *Acts of the Privy Council*, July 24, 1596.



the shire, I do therefore refer the same wholly to the good consideration of your lordship and others my Deputies.' <sup>1</sup>

In Devonshire the Earl of Bath was continuously resident, but even so he was told that on account of his young years he was to use the advice and counsel of his Deputies.<sup>2</sup> These officials were, in fact, coming steadily to the forefront; while as regards the burden of the work they had no doubt whose was the harder part:

'If aught were well done the Lieutenant has the praise and thanks, although all the charge and travail is borne by us, but if any business has ill success the blame is laid upon us.' <sup>3</sup>

The relation of the Lord Lieutenant to the Deputies must indeed often have been difficult, the more so when the former was much away from the counties. No doubt the Deputies were often ready to take a good deal of authority out of his hands if they could do so, and the Council had no hesitation in snubbing them when they thought it requisite. When some Deputies addressed them directly, instead of communicating first with the Lieutenant, the reply came:

'As we do usually give our directions unto our very good Lord, the Lord Marquis, Her Majesty's Lieutenant for the county for these and the like affairs, so we expect to be certified particularly by him of all matters concerning Her Majesty's service there, and therefore it had not been amiss that your advertisements had come through his Lordship's hands to us and do wish that they may so pass hereafter.' <sup>4</sup>

As a matter of fact, however, the Crown did very often communicate with the Deputy Lieutenants direct, and

<sup>1</sup> Hist. MSS. Com., *Cowper MSS.*, p. 7; cf. Kempe, *Loseley MSS.*, Nos. 118, 119.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 100b.

<sup>3</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, p. 486.—Sir Matthew Arundel to Sir Robert Cecil.

<sup>4</sup> *Acts of the Privy Council*, June 26, 1596.

expect a direct answer from them.<sup>1</sup> More and more reliance was placed upon them, resulting in a modification of the system of the Lieutenancy. So useful did the groups of Deputies prove themselves that, when towards the end of the reign the deaths of several Lieutenants occurred shortly after one another, the Crown of set purpose did not issue new Commissions of Lieutenancy, but reverted to the system of Commissioners of Musters, writing :

‘ Elizabeth, by the Grace of God, etc., to the Keeper of the Great Seal of England and to all other officers of the Privy Council, Greeting. Whereas, by our former Commission under our Great Seal of England, we did authorise certain noblemen, whereof some of them were of our Privy Council, to be our Lieutenants in our divers counties of Middlesex, Bucks, Northampton, Nottingham, Stafford, Warwick, Chester, Lancaster, York, Cumberland, Northumberland, the Bishopric of Durham, Leicester, and Rutland, who are departed this life and thereby their Commissions determined, we . . . do mind also to have the same [duties] executed by the Sheriffs of the said counties and the most principal men of authority and account within the said shires . . . and likewise in any other counties wherein any of the now Lieutenants shall hereafter happen to decease or to be removed, until we shall determine to make any special Lieutenant or Lieutenants of the said counties or of any of them.’<sup>2</sup>

Lieutenants were commissioned again in very few, if in any, instances for these counties. The reason for this was not that the military levies were so efficient, or that but few men were required either for service outside the country or to defend it in case of invasion. On the contrary, service in the levies during the latter years of Elizabeth’s reign was a far greater problem than during the earlier years. The conclusion seems

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCIV, Nos. 11, 12.

<sup>2</sup> *Ibid.*, Vol. CCLXI, No. 1 (Dec. 2, 1596) ; cf. *Acts of the Privy Council*, Dec. 25, 1596.

inevitable that the Crown, while certainly not abandoning its right to commission Lieutenants,<sup>1</sup> had no special liking for the system of Lieutenancy when it could get the work done by other means. The Deputy Lieutenants supplied such means. Their appointment as Deputies naturally ceased with the decease or removal, as the Crown put it, of the particular Lieutenant to whom they had been assigned. But that was no reason why they should not continue to do the work. When, in 1598, one of the Deputy Lieutenants of Dorset died, and the Lieutenant asked for another to be appointed in his place, he received the following reply :

‘that whereas he desireth in place of Sir John Horsey that some others might be appointed to assist him in these services and has sent into their lordships the names of sundry gentlemen of quality in the county of Dorset among whom he requireth that choice may be made . . . their lordships think good to appoint Sir Richard Rogers, knight, George Trenchard, Henry Ashley and John Strangwayes, Esquires, whom his lordship may from time to time employ in the services belonging to his lordship’s charge of Lieutenancy, without title nevertheless of Deputy Lieutenant, but as gentlemen of special trust nominated and appointed for the services by their lordships.’<sup>2</sup>

This was often the course of action followed by Crown and Council upon the death of any Lieutenant. A group of gentlemen in each county, namely, the former Deputy Lieutenants, together with the Sheriff, were once more required to do the work. To this extent

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCXLVII, No. 5. The Commission issued to the Earl of Nottingham in 1598, making him Lieutenant and Captain-General of the army, recites : ‘Whereas we have lately directed and sent forth our several Commissions under our Great Seal of England, authorising thereby divers and sundry our nobility and others to be our Lieutenants within sundry of our counties of this our realm, and in other counties where no such Lieutenants are, have given power to Commissioners appointed with the Sheriffs. . . .’ Rymer, Vol. XVI, p. 353 ; *Pat. R. 41 Eliz.*, p. 24, m. 22 dor..

<sup>2</sup> *Acts of the Privy Council*, Aug. 13, 1587.

and no further the Sheriff retained his powers.<sup>1</sup> His old supreme control of the county levies had gone. Even when he did not have to act under the orders of a Lieutenant, he invariably had associated with him for the business of the levies, and, as will be seen, for administrative business also, the former Deputy Lieutenants, while the Crown and Council directed instructions to any or all of them quite impartially. A list of Lieutenants and groups of Commissioners, consisting of the Sheriff and late Deputy Lieutenants for the respective counties in June 1601, left eleven northern counties unmentioned, named seventeen counties with Lieutenants and twelve with Commissioners. It ran thus : <sup>2</sup>

*Counties with Lieutenants*

Cornwall	.	.	.	.	Sir Walter Raleigh
Dorset	.	.	.	.	Viscount Bindon
Devon	.	.	.	.	Earl of Bath
Southampton	.	.	.	.	Lord Chamberlain
Kent	.	.	.	.	Lord Cobham
Hunts	.	.	.	.	Lord St. John of Bletso
Derby	.	.	.	.	Earl of Shrewsbury
Beds	.	.	.	.	Earl of Kent
Gloucester	.	.	.	.	Lord Chandos
Surrey	.	.	.	.	Lord Admiral
Sussex	.	.	.	.	The Lord Treasurer and the Lord Admiral

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. V, p. 533, 1595.—Counties that have Lieutenants; counties that have not Lieutenants, with the names of the gentlemen to join with the Sheriff.

The question of precedence where the Sheriff was concerned seems to have been discussed in the reign of James I. An entry in the State Papers (*State Papers Dom. James I*, Addenda, Vol. XLI, No. 112) says that 'though the Sheriffs take precedence over others in the provinces, the Under-Sheriffs do not, and the Deputy Lieutenant does not, take precedence of the Sheriff.' On the relative positions of the Lieutenant and the Sheriff in the seventeenth and eighteenth centuries, see Webb, *op. cit.* pp. 287, 373 *seq.*, and Maitland, *Constitutional History*, pp. 234, 235.

<sup>2</sup> *Acts of the Privy Council*, June 3, 1601.



*Counties with Lieutenants—cont.*

Wilts	}	. . . . .	Earl of Hertford
Somerset			
Berks	}	. . . . .	Lord Norreys and Mr. Comptroller
Oxon			
Rutland	}	. . . . .	Earl of Huntingdon
Leicestershire			

*Counties named as being under Commissioners*

Bucks	Herts
Cambridge	Notts
Lincoln	Stafford
Essex	Northampton
Norfolk	Chester
Suffolk	Warwick

*The Council and the Lieutenants*

The opening words of the Commission are really, perhaps, the most significant in it :

‘ Know ye that for the great and singular trust and confidence we have in your approved fidelity, wisdom and circumspection, we have assigned . . . you to be our lieutenant. . . . ’

A similar form of expression had been used in all earlier Commissions.<sup>1</sup> No qualification was required for

<sup>1</sup> In special Royal Commissions of to-day a similar form of expression is still used, but it has disappeared from the Commissions issued to Lords Lieutenants of counties, which Commissions run : ‘ Whereas by the Militia Act, 1882, it was (amongst other things) enacted that it should be lawful for us with regard to Great Britain . . . from time to time to appoint Lieutenants for the several counties in the United Kingdom. Now know ye that we by virtue of the said Act of Parliament have nominated and appointed and by these presents do nominate and appoint you the said A. B. to be our Lieutenant. . . . ’

This change in wording really exactly illustrates the change in the relations between the Crown and the military forces. (*N.B.*—The wording in the above Commission is taken from one dated 4 Edw. VII.)

*Cf.* also the Elizabethan Commission of Array. Printed by Prothero, *op. cit.* p. 156.

the Lieutenantcy but the royal favour. Nevertheless, to have the royal favour it was necessary that the royal mind should believe in the Lieutenant's capacity and discretion, and above all, in his fidelity. It is as much a tribute to the Crown's powers of discernment, or possibly Burghley's, as to the capacity for administrative work exhibited by the English gentlemen, that a mistake was so seldom made in choosing the men.

It may be supposed that it was first Burghley and afterwards Sir Robert Cecil who had the greater voice when choice was made. Nothing is more remarkable than the manner in which both contrived to keep in touch with what was going on in the country districts. They both, but especially the son, had their own ways of getting information ; their own reasons for encouraging the marvellous correspondence that was kept up with them by men living in practically every district in England. But it must be admitted that they made good use of their knowledge, howsoever it was gained. They were excellent judges of character, and few districts in England, and but few men, could hope to escape their penetrating scrutiny.

Having thus any amount of information, they employed it on behalf of the Crown. The Lieutenants, or those who acted in place of them, were under the direct supervision of the Council. They received detailed instructions as to what work was to be done, and how it was to be done, and they were required to make frequent and full reports on it. Relays of messengers travelled to and from the Court, bringing the instructions from the Council and taking back an account of what had been accomplished. There was searching criticism and reproof ; and frequent annoyance was expressed that more work had not been done in the time. Whoever worked for the Tudors was expected to work quickly, and the Lieutenants or Deputies frequently protested that the demands were unreasonable

and could not be carried out in that particular district or during the time allotted for them. The Council was also far from pleased when reports did not arrive at all, or were much delayed on the way. In some cases special posts were laid in order to avoid this delay.<sup>1</sup> But on many roads, more particularly those from the west of England, but also even on the Chester and Berwick roads, where there was a regular post to the Court, complaints were constantly made that news was not received as soon as it ought to be.<sup>2</sup>

How much latitude was left to the Lieutenant and his fellows under this system it is extremely hard to say; but the Tudor government had at least the merit of recognising good work when it saw it. The attitude of the Lords of the Council towards any one Lieutenant was probably in the long run dictated by their confidence in his discretion and ability. Their own authority was supreme. They did not choose to have their orders interfered with; they had no hesitation whatsoever about giving extremely explicit orders.<sup>3</sup> Nevertheless, where they fully trusted a man, his advice as to local affairs was probably often taken. The letters of Lieutenants on county business are the letters of men who

<sup>1</sup> Cf. *Acts of the Privy Council*, July 12, 1574.—The Master of the Horse ordered to see that post-horses were ready 'in all convenient places betwixt the Court and Exeter for the speedy conveyance of all such packets as shall be sent from the Earl of Bedford out of the West Country for the service of Her Majesty.' Cf. also *ibid.*, July 20, 1574.

<sup>2</sup> Cf. *English Historical Review*, Vol. XVIII, p. 716—Early Posts in England. *Ibid.*, Vol. XXXIII., p. 234.—Roads in England and Wales in 1603.

<sup>3</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 98.—The Privy Council to the Marquis of Winchester and the Earl of Sussex, '. . . we do understand your lordships have a mind to alter that course . . . we cannot but . . . pray your lordships in any wise to forbear to make any innovation or alteration in that established order.'

*Talbot MSS.*, vol. N, fol. 278.—The Earl of Shrewsbury wrote to the Justices of the Peace of Stafford, Derby, and Nottingham, that he had received letters from the Lords of the Council which forced him to alter some of his former determination for the counties in some points which he had thought it well for the Justices to consider before he had received the letters.

owe deference and loyalty to the Crown, but who are quite clearly used to making judgments and acting on their own responsibility.

Should a Lieutenant or his Deputies fail in their duty, there were two methods of dealing with them: they could be removed from office at the pleasure of the Crown; they could be called before the Star Chamber. It does not appear ever to have been necessary to have so dealt with a Lieutenant, although reproofs were meted out to them freely enough, but in several cases Deputies were ruthlessly removed from office and replaced by others 'for the better service of Her Majesty.'<sup>1</sup> On one occasion at least two of them made their appearance before the Star Chamber,<sup>2</sup> and another was condemned to the favourite punishment of having to make a daily appearance before the Council.<sup>3</sup>

That these methods were efficient is an eloquent commentary on the whole Tudor system of government. The Crown found it possible to remove a Deputy Lieutenant with an ease not infrequently denied to other sovereigns in dealing with refractory subjects: the Privy Council had impressed itself so thoroughly upon the imagination of England, that it could secure obedience to its commands and submission to any punishment it chose to inflict. That both Crown and Council were profoundly feared is not an adequate explanation. When all was said and done, the control of the armed forces of the nation rested with the Lieutenants and Deputies. Both Crown and Council alike depended, for the carrying out of their orders, upon the very men who had to submit to those orders. Much, if not all, of that submission must have been voluntary. Dislike of reproofs, the fear of removal from office, and dread of the Star Chamber, all helped to ensure that the work

<sup>1</sup> *Acts of the Privy Council*, Oct. 11, 1590; *ibid.*, Sept. 3, 1597.

<sup>2</sup> *Ibid.*, May 28, 1598.

<sup>3</sup> *Ibid.*, March 22, 1589-90; *cf.* Feb. 17, 1589-90.



was effectively done. But the fact that the offenders were so few in number as they were is a tribute to the character of the country gentry. More than this, it reflects the harmony existing between the Crown, the Privy Council, and the rulers of the counties. The Crown demanded loyalty to itself and the commonwealth, and it received it ; the Council demanded obedience, and it got it : mere terrorism could not have produced the results in good administrative work that were obtained.

No doubt the relationship between the Council, the Lieutenants, and the counties also accounted for a great deal. No hard-and-fast line marked off any one of the three from the others. Even when a Lieutenant was not a Privy Councillor himself, as he so often was, he was usually on terms of relationship or close friendship with many of them. The majority, if not all, of the Councillors were landed gentry themselves. On the other hand, the Lieutenant represented his district quite as much as he did the Court ; hence his importance as a connecting link between the two. He was there to give the instructions of the Council and to see them carried out, but his own position as a local landowner substantially aided him in doing the work effectively. His position as the great man of the district accounted for much ; probably the mutual interests uniting him and his neighbours accounted for even more. Knowledge of local conditions gave him insight into difficulties and sympathy with them, and he appears again and again in the letters sent up to the Council as the champion of local interests. The Council might or might not pay attention to his championship, but it did approve of unity in the county. There was no intention on its part that the Lieutenant should stand aloof from his neighbours.

When a Lieutenant was commissioned and departed, as he was expected to do except under special circumstances,

forthwith into his district, he took with him or was sent a detailed paper of instructions, sometimes signed by the Queen herself, sometimes by members of the Privy Council. His first business was to assemble the Justices of the Peace and other gentlemen of each county under his charge, and give notice that he had received a Commission of Lieutenancy.<sup>1</sup> Then he was to proceed to discuss with them measures for the good order of that county, more particularly that it might be kept 'both in quiet from dangers of mutinies and rebellion, and also from offence of enemies.'<sup>2</sup> This was a very typical proceeding. The government of the counties was done very much by discussion. The authority of the Lieutenant might be supreme, but he was expected to hold frequent conferences with his Deputies and the other gentry to discuss matters with them and listen to their opinions.<sup>3</sup>

This was really the keynote of the whole system. Not only was it a case of the common responsibility of all for law and order, and the obligation of each member of society to work for the good of the whole, but also they were expected to work together amiably. Private interests must be subordinate to the good of the commonwealth. It might certainly have been supposed that difficulties would have arisen in those cases where there was more than one Lieutenant named for a single county. Difficulties did arise, but the Crown and Privy Council laid down some clear rules. Each joint-Lieutenant was to be privy to all the orders; nothing prescribed by those orders was to be prejudicial

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CLXXIX, Nos. 47, 49.—'The duty of each Lieutenant being to take order with their Deputies for the publishing of their Commissions.'

<sup>2</sup> *Ibid.*, Vol. XCVII, No. 2; *Cotton MSS.*, Vespasian C. XIV, No. 320; *Hist. MSS. Com.*, *Foljambe MSS.*, fol. 88.

<sup>3</sup> *Hist. MSS. Com.*, *Duke of Somerset's MSS.*, p. 25.—Letter from the Earl of Bath (Conference at Okehampton). *Ibid.*, *Foljambe MSS.*, fol. 88.—The Privy Council to the Marquis of Winchester: 'To inform yourself from your Deputy Lieutenants of what hath been done.'

to the authority of either or any, but they were both jointly and severally to endeavour, according to their Commissions, to further and advance the good order of the forces.<sup>1</sup> Earlier, when the two Lieutenants of Hampshire had quarrelled, one, the Marquis of Winchester, had been peremptorily requested 'to frame his mind to agree and concur in such things as concerned Her Majesty's service.'<sup>2</sup> Precisely similar remarks were made by the Council, and were expected to be attended to when a Lieutenant quarrelled with his Deputies, or the Deputies quarrelled among themselves.<sup>3</sup>

The chief cause of issuing Commissions has already been stated, namely, that the counties might be kept in quiet and order. By virtue of the Commission the Lieutenant had absolute military control of the levies. When he was more or less permanently in office he was responsible for the supervision of the musters taken every summer in each county—a duty otherwise undertaken by a group of Justices of the county as Commissioners of Musters. In case of necessity the Lieutenant was expected to see the men arrayed, trained, and armed, and be ready to lead them against the foes of the Crown, whether these were rebellious subjects or foreign invaders. When the Crown needed men for service in Ireland or abroad he, or the Commissioners, had to obtain them in the requisite numbers from each particular county.

<sup>1</sup> *Acts of the Privy Council*, June 21, 1590.

<sup>2</sup> *Ibid.*, July 25, 1588. Cf. *State Papers Dom. Eliz.*, Vol. CCXII, No. 4, for an account of the quarrel. ' . . . amongst others the said Earl (the Earl of Sussex, Joint-Lieutenant of Hampshire) disliked the second article concerning the division of the forces of Portsmouth, affirming that he could find therein neither sense nor reason, whereunto the said Lord Marquis answered that they were penned by himself and such as he used not to send unto their lordships without good consideration, and thereupon taking the same into his own hands said, "I will read the same myself, and if I cannot find therein both sense and reason then say I have no more brains than a woodcock."'

<sup>3</sup> Cf. *Acts of the Privy Council*, August 27, 1598; also Edwards' *Life of Raleigh*, Letter No. 27.

He could act on his own responsibility in matters respecting the levies as soon as occasion arose. He was indemnified in advance for any action done under authority of the Commission.<sup>1</sup> But it must also be remembered that the Council would have been likely to have dealt severely enough with any Lieutenant who acted rashly or unwisely, not to speak of one who acted in defiance of their orders. At the same time this military authority covered other things than those strictly concerned with the levies. It was extended to such matters as the arrest and punishment of vagrants,<sup>2</sup> or the arrest and punishment of anyone who spread a rumour likely to cause a commotion or who uttered words that might be interpreted as treason.<sup>3</sup> It could be and was applied to any action or any speech which threatened the safety of the Crown or the peace and well-being of the commonwealth.

Appointed at first simply to take this kind of military control of the counties, either to quell rebellion or to raise men for the service of the Crown, administrative duties were presently added to those which were more strictly military. This was particularly the case under Elizabeth, although from the very first duties that would by modern definition come under the heading administrative had been undertaken by the Lieutenants by virtue of martial law. It was, however, during the reign of the last Tudor that the Crown and Council made use of the Lieutenancy in a characteristic fashion.

The line between the judicial and the administrative

<sup>1</sup> Prothero, *op. cit.* p. cxxi; *Acts of the Privy Council*, Dec. 20, 1596. —The Council to the Earl of Pembroke on his authority. *State Papers Dom. Eliz.*, Vol. CCXI, Nov. 5, 1591. —The authority of the Lieutenants of every county.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CCXL, Nov. 5, 1591. —'The Lieutenants of every county having sufficient warrant by their Commission to execute martial law upon such offenders.'

<sup>3</sup> Cf. 13 Eliz. c. 1. Printed, Tanner, *Tudor Constitutional Documents*, 1485-1603, p. 413.



business of the country, like that also between martial and administrative affairs, was by no means clearly drawn in the sixteenth century. While it was clearly stated, and proved in the working to be the fact, that the Lieutenant was not intended to interfere in such matters as would normally be dealt with by the ordinary law of the land in the sessions of the Justices,<sup>1</sup> yet much of the administrative business of the country did not come under that law at all. It was part of the prerogative of the Crown, and dealt with as such by the Privy Council. Professor Dicey, in pointing out the importance of the Council as an administrative body, has shown that besides guarding the king's peace, its special functions concerned religion (that is to say, chiefly cases of recusancy), finance, and trade, while at the same time it occupied itself with an infinite number of matters bearing on the social conditions of the country.<sup>2</sup> It was precisely in these instances that use was made of the Lieutenant and his Deputies when business of the kind thus indicated had to be carried through in the counties. The Council often found it convenient where there was a Lieutenant to communicate with him instead of with all the Justices. He was then expected to pass on the instructions, either by letter or by word of mouth. But also, when it was a question of commissioning some of the Justices for any special piece of work, the Lieutenant and his Deputies were often those selected as being the most prominent among the landowners, in closest touch with the Council, and, owing to their various activities, best aware of the state of the county. Hence the frequency with which the Lieutenant and his Deputies were appointed to act as members of an Ecclesiastical Commission, or as Commissioners for Subsidies or Loans, or, again, as

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. XCVII, No. 2.—Instructions to the Earl of Bedford.

<sup>2</sup> Dicey (ed. 1887), *The Privy Council*, pp. 49 seq.

Grain Commissioners for their own particular county. But in all these cases they were emphatically not bureaucratic officials. It was merely convenient, for the reasons given above, that they should undertake these functions. The Sheriff and such Justices of the Peace as were not Deputies, or for that matter any of the gentry of the county, might be and were often nominated to undertake the work—always, of course, where there was no Lieutenant or Deputies. It is significant of the part played by the Bishop in the corporate life of such counties as made up his diocese, that he also was not infrequently nominated to act as a special Commissioner for all kinds of administrative business, financial, economic, and military, within one or more of those counties.

There is only this much of consistency in the names of the people to whom the letters of the Privy Council were addressed. Anyone who had any position of responsibility was required to undertake the administrative work that had to be done. It was often, as mentioned above, more convenient to send a letter direct to the Lieutenant for him to communicate to the county, but letters addressed to groups consisting of the Deputy Lieutenants or of the Sheriff and Justices of the Peace, or several of them acting as special Commissioners were sent quite as frequently. Equally the Lieutenant could and did call on any of his neighbours to help him, not only upon those who were nominated for that particular piece of work. The endorsement of a letter written by Lord Hunsdon, as Lieutenant of Norfolk, concerning the provision of wheat and butter to be made by that county for the navy, is typical in its comprehensiveness. It was addressed to :

‘ My loving friends the Sheriff and Justices of the Peace of the county of Norfolk, and to her Majesty’s Commissioners for the Restraint of Grain and other Provisions in the

said county, and to Sir Edward Clowe, Sir William Hadon, and Sir Thomas Knyvett, Knights, my Lieutenants for the said shire, and any of them.' <sup>1</sup>

Lastly, the day of the Lieutenant was not infrequently a day of small things.

<sup>1</sup> Signed letter from Lord Hunsdon, March 21, 1586.—*The Duke of Bedford's MSS. at Woburn Abbey.*

## CHAPTER IV

### THE LEVIES

#### *The Summer Musters*

THE military organisation of the county was the chief part of the Lieutenant's duties. It was also in many respects the most difficult and the least satisfactory both to himself and to the Crown.

All the correspondence concerning the levies throughout the century is punctuated with remarks to the effect that they were, on the whole, inefficient and unsatisfactory. The difficulty of getting men for service abroad was a recurring one ; while the ordinary summer musters, interfering with the general routine of life, were on the whole intensely unpopular with all, except perhaps a few of the younger men, who liked the business of soldiering for its own sake. This unpopularity was no new thing. The second Parliament of Edward VI had endeavoured to deal with the matter, and had laid down the principal service required of captains and soldiers.<sup>1</sup> Mary's last Parliament had passed an Act imposing heavy penalties on all who failed to come to the musters,<sup>2</sup> but in spite of this men were still shirking the service under Elizabeth.

But even if the men could be made to come to the levies, and the training could be made thoroughly efficient, there were still weaknesses inherent in the system. They arose primarily, if not altogether, from the fact that the county was the unit ; the idea of the duty of men to their own county was strong ; it was

<sup>1</sup> 2 & 3 Edw. VI, c. 2.

<sup>2</sup> 4 & 5 Ph. and Mary, c. 3.



constantly reiterated by the Crown and Council at the very moment when they were also proclaiming the duty of all to the State. The difficulties which resulted became apparent at a time of national crisis such as England experienced in 1588. They also made themselves felt whenever a question arose of foreign warfare. Since the Crown had no army to use for this last purpose, it was forced to resort to more or less unpopular methods of obtaining one.

The first general obligation imposed on every county was the annual assembling, viewing, and training of a certain number of men.

These were obtained by means of a general summons sent out to all within the county between the ages of sixteen and sixty. From them a sufficient number of the most able were selected to be trained and armed. Others who were chosen for the purpose of undertaking manual labour were trained but not armed.<sup>1</sup> Full details of the names of the men in every hundred, their training and their armour, had to be kept in a muster book for the county, which particulars were not infrequently called for by the Privy Council. In 1591 the numbers for the whole country were said to be as follows.

Trained and furnished :

England	.	.	.	38,375
Wales	.	.	.	4,212

Untrained, but mustered and armed :

England	.	.	.	48,519
Wales	.	.	.	6,870

<sup>1</sup> *State Papers Dom. Eliz.*, March 16, 1569.—Heads of directions as to the mode of taking musters throughout the kingdom. *Talbot MSS.*, Vol. N, fol. 161.—Orders set down and agreed upon for the musters. Chetham Soc., *Lancashire Lieutenancy Papers*, pp. xxv seq.; Grose, *Military Antiquities*, Ch. I; cf. Bruce, *Report on Internal Defence*. Moule, *Weymouth and Melcombe Regis Documents*, IV, No. 31, is a letter from the Deputy Lieutenants of Dorset to Mr. Mayor W. Pitt, requiring him to send five men (named) and four more that 'we may make the better choice.'

Able men mustered but not armed :

England	.	.	.	4,506
Wales	.	.	.	2,214 <sup>1</sup>

There were two paid officials to help in the work in each county, namely, a Muster Master, whose duty was to inspect the men, horses, and armour<sup>2</sup>; and, after 1589, a Provost Marshal, or general disciplinary officer, who had authority under the Lieutenant to apprehend and punish defaulting soldiers, and deal with vagrants and other 'masterless persons' in the county.<sup>3</sup> Both Muster Master and Provost Marshal were appointed by the Lieutenant, but while the Crown paid the former,<sup>4</sup> the county was required to contribute towards the expenses and wages of the latter, on the grounds that he was appointed for its benefit; therefore the wealthier inhabitants had either to make a money payment or, in the case of those Justices who were used to provide a petronel or horse and man to attend the Lieutenant, to do likewise for the new official.<sup>5</sup>

Apart from these men, the task of viewing and training the men and seeing that they were properly and efficiently armed fell upon the gentlemen of the county.

The general responsibility rested upon the Lieutenant where there was one. He was required to take the musters, either by himself or by direction to his Deputies; to appoint some among his neighbours to help him in various tasks; and to have a general supervision of the

<sup>1</sup> Bruce, *Report on Internal Defence*, App. lviii.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 108b.—Instructions for the Muster Master. *Lambeth MSS.*, 247, Part II, fol. 13.—A conference of a good and bad Muster Master. See Appendix C IV.

<sup>3</sup> *Acts of the Privy Council*, Nov. 16, 1589.—Resolutions relative to appointment of Provost Marshals and their duties. *State Papers Dom. Eliz.*, Vol. CCXXVIII, No. 9.—Warrant to Lord Chancellor to issue Commissions. *Ibid.* No. 10.—Form of Commission.

<sup>4</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 88b.

<sup>5</sup> *Acts of the Privy Council*, Nov. 16, 1589.

whole.<sup>1</sup> On some occasions at least the Lieutenant found great difficulty in getting help from his neighbours :

‘ This present day Mr. Lieutenant hath mustered at Windsor without the help of any Justice or gentleman of estimation other than the Mayor. I assure your Honour methinketh it is a thing much out of order that they should not be as ready to serve the Queen’s Majesty as they be to seek their own gain.’<sup>2</sup>

On the other hand, there are pleasant enough pictures in some of the correspondence of the Lieutenant and Deputies riding to the musters and discussing thereby many county matters, including sport.

The general rule was for the Deputies or the Commissioners for Musters, or the Justices of the Peace where neither Deputies nor Commissioners existed, to divide their numbers among the various centres in the county. Their sons were liable to serve with the rest<sup>3</sup>; some of these, such as were the most skilful in martial service, being appointed to act as officers. The instructions from the Council were that the captains, one for each hundred, were to be appointed from among ‘ the eldest sons of the chiefest gentlemen or others of like behaviour in every shire.’<sup>4</sup> The approval of the names of these rested with the Council; the Lieutenant, or those who acted for him, sending up suggestions.<sup>5</sup> As usual, the Council often displayed an almost uncanny knowledge of the characteristics of even minor gentry in the county, and were able to reprove effectively such appointments as that of George Turberville as captain of a hundred, pointing out that the said Mr. Turberville—

<sup>1</sup> *Talbot MSS.*, Vol. I, fol. 49; *ibid.*, Vol. N, fol. 117.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. XII, No. 27 (May 20, 1560).

<sup>3</sup> Cf. *Somerset Record Soc.*, Vol. XX, Introduction. The writer points out that the names of the men for the various hundreds testifies to the fact that men of similar calling or class were usually put together for the purpose of service.

<sup>4</sup> *Hist. MSS. Com.*, *Foljambe MSS.*, fol. 96b.

<sup>5</sup> *State Papers Dom. Eliz.*, Vol. CXXXVII, No. 3; *Acts of the Privy Council*, July 6, 1573; *ibid.*, July 17, 1589.

'hath been always from his youth and still is given to his book and study and never exercised in matters of war.'<sup>1</sup>

It was a matter of obligation to take the position of captain or any other officer, even as it was to go to the musters. When Sir John Gilbert was appointed to lead the trained bands near his dwelling-house, it required an urgent letter from him to the Council, detailing 'the great imperfectness and lameness of my legs'<sup>2</sup> to excuse him from the service. Those who refused to do the service without sufficient reason were called before the Lieutenant and Deputies to be dealt with under martial law.<sup>3</sup> If difficulties could not be thus settled the Council took the matter in hand itself, distributing general rebukes and calling the delinquents to appear before it.<sup>4</sup>

But there was always trouble about the musters. Certain exemptions were recognised. Prelates, Lords of Parliament, and Privy Councillors were exempt from personal service, although they had to certify in writing the number and names of their household servants, horses, and weapons, and were, of course, under liability to contribute their quota of money and horses. The clergy, judges, and officers of the Queen's Court of Record had permission to absent themselves from the

<sup>1</sup> *Acts of the Privy Council*, March 29, 1571. This was the son of Nicholas Turberville of Winterbourne Whitchurch. An account of his writings is given in Hutchin's *Dorset*, Vol. I, pp. 197 *seq.* He probably had, however, other disqualifications than his fondness for literary pursuits, for being made again captain in 1580 the Commissioners for Musters at this time removed him themselves, he proving to be 'a great spurner of their authority.'—*State Papers Dom. Eliz.*, Vol. CXLI, No. 41.

<sup>2</sup> Hist. MSS. Com., *Duke of Somerset's MSS.* pp. 10, 11.—The Privy Council to the Earl of Bath and his Deputy Lieutenants.

<sup>3</sup> *Ibid.* p. 29.—An account of 'the undutiful miscarriage and demeanour' of Mr. Arthur Champernowne, who being called before the Lord Lieutenant and Deputies showed 'very irreverent and intemperate behaviour.'

<sup>4</sup> *Acts of the Privy Council*, Aug. 27, 1598.—The Council ordered Mr. Arthur Champernowne to appear in its presence, and rebuked the Lieutenant, the Earl of Bath, and the county generally, 'for all these troublesome jars and divisions.'



musters, but had to send their able servants and household men, and were also liable to contribute in horses and money. All others were liable for service, but apart from the fact that the men not unnaturally disliked being called away from their own ordinary pursuits, especially at the time of harvest,<sup>1</sup> all kinds of other difficulties arose.

These difficulties were not so much based upon definite opposition to the Lieutenant's authority as might have been supposed. There was a certain amount of opposition, based on old privileges and rights of certain towns and other places, but on the whole there was not a great deal of this. Occasionally towns protested, which protest was sometimes listened to and sometimes reproved. When there was, for a second time, a protest from the Cinque Ports—in this case Winchelsea and Rye objecting to be mustered by the two Lieutenants of Sussex—the answer of the Crown was on very much the same lines as the answer which had been given under Mary. The Warden of the Ports told the Council that these two towns asserted that by old custom they should be exempt from coming to the general musters of the rest of the shire, but added that this former custom was unknown to the Council, and that no warrant for it by Charter or otherwise could be produced by the towns. The reply given to him was that he was to arrange with the Lieutenants of Sussex that the musters were to be taken by the three acting together on some day to be agreed upon between them.<sup>2</sup> A very

<sup>1</sup> This was recognised as not unreasonable, and orders were sometimes given that the musters were to be deferred, 'the Queen considering that too many hands cannot be employed in reaping the fruits of the earth'.—Hist. MSS. Com., *Foljambe MSS.*, fol. 73. The same entry records also that the general musters were put off in respect of the 'unseasonableness of the weather.' This was in 1585, a year when the training of soldiers generally seems to have been constantly respiteed on account of the bad weather. Cf. *Lambeth MSS.*, 247, Part II, fol. 1, *The manner of proceeding, etc.* See Appendix B II.

<sup>2</sup> *Acts of the Privy Council*, Aug. 3. 1570.

similar answer was given when the Lieutenant of the Tower petitioned that the mustering of the Tower Hamlets should be done by himself and no one else.<sup>1</sup> Some privileges were definitely given. London remained a town apart.<sup>2</sup> The University of Cambridge was declared exempt from the jurisdiction of the Lieutenant of Cambridge.<sup>3</sup> The Stanneries were granted a similar exemption from their county Lieutenant,<sup>4</sup> and on one occasion at least so was the city of Worcester.<sup>5</sup> Did, however, a town presume to claim too much it was sharply dealt with, as was the case when the Privy Council wrote to the Mayor and chief officers of Launceston that they—

' . . . now learn that you, the Mayor and townsmen of Launceston contrary to this order and otherwise heretofore you have been accustomed, have of late refused and do refuse to join with the rest of the county in the said musters, pretending an exemption and privilege by your Charter, which pretence of yours cannot be otherwise understood than a backwardness and slackness in Her Majesty's service; when in such a case as this is, for the common safety of the realm and the defence of that county whereof yourselves are a part, you stand so curiously upon the privilege of your Charter. You shall therefore understand that it is your part to join with the rest of the county in this public service, which you may well enough do without prejudice to your liberty, forasmuch as it is required of you to send forth your men unto the musters unto such places as are appointed for the whole county, and not that any other should be admitted to come into your town to take your musters. And moreover, you shall do well to be advised touching the curious standing upon your Charter, lest you cause the same to be called in question and contending for some part to lose all.'

The letter sums up the whole teaching of the Crown

<sup>1</sup> *Acts of the Privy Council*, April 1, 1580.

<sup>2</sup> Cf. *Ibid.*, June 8, 1589.

<sup>3</sup> *Ibid.*, April 19, 1573.

<sup>4</sup> *Hist. MSS. Com., Duke of Somerset's MSS.*, p. 4.

<sup>5</sup> *Acts of the Privy Council*, July 5, 1574.

and Council. It was natural enough that towns and liberties should cling to their old privileges ; but, on the other hand, the argument of the Lieutenants that, unless they could secure that all came to the general musters of the county, it was difficult to get efficiency, was also justified. Moreover, it was the Lieutenants who were responsible to the Crown.<sup>1</sup>

Retainers presented a perpetual difficulty. The Crown frequently emphasised that none such were to be excepted from service. Prelates, Lords of Parliament, and Privy Councillors might be allowed to muster their own household servants,<sup>2</sup> although they had to certify the number and names of these in writing ; but all others 'pretending to be retainers' were to do service with the rest.<sup>3</sup> Nevertheless, those who took the musters constantly complained that men who ought to come escaped by being reckoned nominally as servants of some nobleman of the district.<sup>4</sup>

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCXII, No. 4.—No doubt the frequent meetings insisted upon between the rulers of the county generally facilitated the taking of the musters, but the meetings were sometimes stormy. At one at Winchester, in 1588, an article of complaint against the Bishop, concerning his men not coming to the musters, was read in the latter's presence. He answered that 'the said Lord Marquis had done him therein great wrong for that there had not been any this C years in that city who had done so much as he had done, having expended in that service £100 ; whereunto the said Lord Marquis answered, that to be more than he knew, for the Bishop never acquainted him with any such matter ; whereunto the said Bishop replied, that he had mustered them under his nose, viz., at Winchester ; whereunto the said Marquis answered that albeit I am well nosed, yet not so long as to reach or smell from Tidmouth to Winchester, being 16 miles distant, but had your lordship advertised me thereof by letter I should then have understood thereof ; unto whom the Bishop answered that he never wrote unto his Lordship but twice and could at neither time obtain his desires ; unto whom the said Marquis replied, that he never required of him anything honest or honourable which he denied him, and other speeches than this unto the said Bishop the said Marquis delivered not any.'

<sup>2</sup> Cf. *Acts of the Privy Council*, May 29, 1573.

<sup>3</sup> *Lambeth MSS.*, 247, Part II, fol. 3 ; cf. also Grose, *Military Antiquities*, Vol. I, pp. 81-99.

<sup>4</sup> *Acts of the Privy Council*, Aug. 19, 1562.—Refusal to serve on account of being the Earl of Warwick's servant. *Ibid.*, Dec. 25, 1596.—

The clergy, too, protested frequently that although they had armour they could not provide men to wear it. The Bishop of Salisbury put their case forcibly before Sir Robert Cecil, telling him that the Lieutenants in Berkshire in particular were forcing 'the poor ministers' to hire men at their own charges for service. He asked for a warrant from the Privy Council to impress fit men for the purpose.<sup>1</sup> There were probably grounds for relief being given, and directions were sent to the Lieutenants that they were to impress able men in all cases where the clergy had armour and weapons but could not provide the men on account of the smallness of their houses and their retinue.<sup>2</sup>

The shortage of men was asserted everywhere, but was naturally far more serious in the maritime counties. Here, where numbers of the men had either taken to the sea for their livelihood, or had been impressed for Her Majesty's service at sea, there was continual failure to make up the numbers expected.<sup>3</sup> The mariners of the south-west, like their fathers before them, thought that they were likely to acquire more gold from sacking a Spanish treasure-ship than ever they would get out of the Queen's treasury. In many instances it was almost as difficult to get suitable men to act as captains as it was to get the ordinary soldiers.<sup>4</sup> Life on the

The Privy Council to the Earl of Pembroke. *Ibid.*, June 24, 1597, gives an account of one Christopher Darby of Dorset, who 'has procured himself to be retained unto our very good lord, the Lord Viscount Bindon,' in order to escape service. He received his impost money 'in a very disdainful and scornful manner,' and the next day made his way to the house of Mr. Brown, colonel to one of the divisions, and 'in most contemptuous sort threw the sum to the ground, using very irreverent and unfit speeches.' Cf. also Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, pp. 486-7.

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. VI, p. 88.

<sup>2</sup> *Acts of the Privy Council*, April 26, 1590; *ibid.*, Nov. 9, 1595; *ibid.*, March 11, 1595-6.

<sup>3</sup> *State Papers Dom. Eliz.*, Vol. CCLXXII, No. 19; *ibid.*, No. 25.

<sup>4</sup> *Ibid.*, Vol. CCXLVII (Herts), March 4, 1591-2; Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, p. 149 (Dorset).



high seas offered many attractions also to the younger sons of the gentry who had their own way to carve to glory.

Other obligations fell not so much upon the county as a whole as upon certain classes and individuals within it. Armour and horses had to be provided for the common service by all who owned land or occupied any office of a certain value. The proportion of armour, or number of horses or money payment in lieu thereof, had been settled by Parliament.<sup>1</sup> The contributions of the clergy, as well as the laity, were fixed in proportion to their office; the rating being done on the basis that the higher the office and the greater its value, so the greater the obligation. This applied equally to persons and societies.<sup>2</sup> The bands of lances and light horse were supplied entirely by the landed gentry,<sup>3</sup> while the Justices of the Peace had the special obligation of providing the petronels for the particular service of the Lieutenant, the Justices of the quorum sending two men on horses, the others, one man and horse apiece.<sup>4</sup> The task of supervising all these fell upon the Lieutenant and his Deputies,<sup>5</sup> who had to meet the constant complaints of the Crown that Prelates, Lords of Parliament, and Privy Councillors were in the habit of sending their worst horses instead of their best,<sup>6</sup> as well as

<sup>1</sup> 4 & 5 Ph. and Mary, c. 2.

<sup>2</sup> For a detailed list of the contributions required from the Archbishops, Bishops, officers of the Chancery and Treasury, the Corporations, etc., see *Lambeth MSS.*, 247, Part II, fol. 127. See Appendix C III.

<sup>3</sup> Cf. *Hist. MSS. Com.*, *Rutland MSS.*, Vol. I, pp. 123, 124.—Lists of persons in Notts charged with maintenance of lances and light horse. *Ibid.*, *Cowper*, Vol. I, p. 2.—Full details of lances and light horse charged in Lindsey, Lincs.

<sup>4</sup> *Ibid.*, *Rutland*, Vol. I, p. 202.

<sup>5</sup> *State Papers Dom. Eliz.*, Vol. CLXIX, No. 54.—Instructions to Lieutenants concerning lances and light horse.

<sup>6</sup> The horse sent by the Archdeacon of Colchester in 1601 was described as 'lean, old, having splint and spavin, and wounded on the near leg besides.'—*Hist. MSS. Com.*, *Hatfield MSS.*, Vol. XI, p. 490.

listen to the protests of such of their neighbours who claimed they were not liable for the charges put upon them.<sup>1</sup>

1588

The three years between 1585 and 1588 afford the best illustration of the work of the Lieutenants when the levies were needed for national defence.

From 1583 onwards particular attention had been paid to the training of the levies, for which purpose the counties were classified in five groups or degrees, omitting those on the Scottish border.<sup>2</sup> Much work had been done by the Sheriffs and Justices,<sup>3</sup> but in June 1585 the Privy Council wrote to the Marquis of Winchester that :

‘ Her Majesty for divers considerations found it convenient in these times of jealousy to appoint Lieutenants for the maritime counties of the realm.’<sup>4</sup>

Two years later there were only a few counties, those chiefly in the north, without Lieutenants.

Each county was responsible, under its Lieutenant or his substitutes, for the training of its own levies, and also had to find the coat and conduct money allowed for the men when required to form part of the army, either for defence of the county or for service abroad. This was reckoned at 4s. coat money for each man, and 8d. conduct money to get him to the place of training. In addition, any of the men who could not pay for their own food during the days of training were given 8d. a

<sup>1</sup> Hist. MSS. Com., *Rutland MSS.*, Vol. I, p. 124.

<sup>2</sup> *Lambeth MSS.*, 247, Part II, fol. 1.—The manner of proceeding in the mustering and training of the several counties since the year of our Lord God, 1583. See Appendix C II.

<sup>3</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 58b (1584).—Minute of Her Majesty's letter of thanks to the gentlemen that showed themselves forward at the musters. Cf. *ibid.* fols. 59, 96.

<sup>4</sup> *Ibid.* fol. 88.

day, also, it appears, at the expense of the county.<sup>1</sup> The Lords of the Council, however, constantly insisted in their letters to the Lieutenants that the men chosen to be trained should be those best able to provide their own food and 'furnish themselves with least expense to the shire,'<sup>2</sup> preferably the sons of gentlemen, farmers, or well-to-do yeomen.<sup>3</sup> Beyond the motive of economy—always a strong one with the Council as with the Queen, and to their credit be it said, emphasised for the sake of the country as much as for that of the Crown<sup>4</sup>—there was perhaps a genuine conviction that the burden ought to be laid on those best able to support it.<sup>5</sup> At the same time, however, the obligation to find men and money for the defence of the country did not fall upon all the counties alike. By ancient custom, the dwellers on or near the coast, like those in the neighbourhood of the Scottish border, had liabilities from which the inhabitants of the inland districts were largely exempt. By far the heavier burden in this time of peril lay upon the maritime counties, more especially those in the south and the south-west.

The Earl of Bedford had been Lieutenant of Dorset,

<sup>1</sup> *Lambeth MSS.*, 247, Part II, fol. 3; *Acts of the Privy Council*, Aug. 24, Sept. 1, 1588; Grose, *Military Antiquities*, Vol. I, p. 341; *Hist. MSS. Com.*, *Foljambe MSS.*, fols. 88b, 132b. The coat and conduct money was repayable by the Crown when the levies were sent out of England, but not so, it would seem, when they were required for national defence.

<sup>2</sup> *Hist. MSS. Com.*, *Rutland MSS.*, Vol. I, p. 202; cf. also *ibid.*, *Foljambe MSS.*, fol. 96b.

<sup>3</sup> *Ibid.*, *Foljambe MSS.*, fol. 88b.

<sup>4</sup> *Ibid.*, *Foljambe MSS.*, fol. 106b. The Council to the Earl of Pembroke, '... especial care is to be had that the selected numbers appointed to be trained (considering they are to be used for the defence of the said country, and not to be employed in any foreign service) may consist of well-affected householders . . . for their livings able to bear the charges of training without any burden to the country.'

<sup>5</sup> Thus in 1592, the Council wrote to the Lords Lieutenants that 'the meaner sort of inability should be spared and the burden laid upon those that are best able to bear the same, being rich farmers, landed men and persons grown in wealth by any other trade.'—*Acts of the Privy Council*, July 21, 1592.

Devon, and Cornwall at the time of his death in 1585 ; after this the three counties were separated. Cornwall was placed under Sir Walter Raleigh, Devon under the Earl of Bath, and Dorset under the Marquis of Winchester, who already held a joint Commission for Hampshire with the Earl of Sussex. The remaining Lieutenants along the south coast were the Lord Warden in Kent, and the Lord Admiral and Lord Buckhurst in Sussex. Upon the local knowledge and local influence of those men and their Deputies, the Council relied in case of the landing of the Spanish troops.

The task which lay before the Lieutenants was not an easy one. They were in an extremely difficult position, for they had to satisfy Crown and Council, and they had also to do the work in conjunction with the local folk. The views of the latter did not always precisely correspond with those of the former. While in the midland and the northern districts of England the difficulty remained the same as it had been beforetime—simply the reluctance of men to come to the musters—the counties along the south coast saw the matter differently. They considered, with some truth, particularly those which lay westward, that they stood in far greater danger from a Spanish attack than any other part of England. The result was conflict between them and the Crown and Council, in which the Lieutenants had to act as intermediaries as well as they could.

One of the first duties was to report to the Council what had been done in the counties in the way of military preparations, and what had to be done. Throughout the south-west of England small groups, consisting of Deputy Lieutenants, Justices of the Peace, and in some cases the Mayors of the different towns, set off on surveys of the coast, carefully examining possible places for the landing of the enemy and inspecting the



coastal and other defences. They had also to see that the castles were furnished with ordnance, that powder and match was provided for the levies, and that the beacons were kept in readiness and a watch put by them.<sup>1</sup>

Instantly difficulties arose, chiefly due to a difference of opinion between the Crown and particular localities as to who ought to be responsible for the repair and upkeep of fortifications.

The correspondence concerning the castles of Portland and Sand's foot is typical. The town of Weymouth, like its neighbours, was keenly alive to the dangers of its situation. The Mayor and Corporation now said that both castles were in a bad condition, that their guns did not command the Portland Roads, and that it was necessary for the safety of the inhabitants that they should be repaired and given additional guns.<sup>2</sup> But Elizabeth and her Council, however much they might acknowledge the need of fortifying that part of the coast, were always extremely reluctant to spend any money on fortifications, and were also of the opinion that whenever possible the counties must be made responsible for the safety of their own district. In September 1586 a petition was sent up to the Privy Council from the Mayor and borough, saying that they had asked before for ordnance and help towards the making of two 'platforms,' the whole district being open to invasion, and now 'in trembling fear of what may befall . . . for want of preventing foreign events,' were asking for some guns with ammunition and for a money contribution towards the platforms, which once erected they promised to maintain.<sup>3</sup> Receiving no

<sup>1</sup> Moule, *Weymouth and Melcombe Regis Documents*, VI, No. 48. Letter from the Deputy Lieutenants of Dorset asking Mr. Mayor William Pitt, with others, to meet them at 2 p.m. at Bolehaies (March 13, 1586-7). Cf. *State Papers Dom. Eliz.*, Vol. CXCLIII, No. 1; *ibid.* No. 43. The Deputy Lieutenants and Justices of Dorset to the Council.

<sup>2</sup> Moule, *Weymouth and Melcombe Regis Documents*, VI, No. 39.

<sup>3</sup> *Ibid.*

answer, or an unsatisfactory one, the Mayor and one of the Aldermen, strengthened by a memorandum from the Deputy Lieutenants, wrote again to Lord Burghley, saying flatly that if precautions were not taken they and the other citizens must leave the town, which being very poor could not fortify the coast without aid.<sup>1</sup> Some ordnance was ultimately sent down,<sup>2</sup> but repeated complaints of the kind from more than one district, not only during this period, but continuing to the very end of the reign, show that since it was not satisfactorily determined who was responsible for fortifying the coast, there was a perpetual struggle, between the divergent views of the Crown and Council on the one side and the local authorities on the other.<sup>3</sup>

The argument of the Crown was that the defence of

<sup>1</sup> Moule, *Weymouth and Melcombe Regis Documents*, VI, No. 39.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 109b, March 10, 1586-7. —Warrant by the Queen to the Master of the Ordnance. *State Papers Dom. Eliz.*, Vol. CCIII, Nos. 17, 18, August 1587.—Note of ordnance and munition appointed for the six maritime counties of Kent, Sussex, Hants, Dorset, Devon, Cornwall, and the proportion sent out of Her Majesty's stores to the Lords Lieutenants. Cf. *ibid.* No. 27.—The proportion demanded by the Lord Lieutenant of Essex for the defence of Harwich.

<sup>3</sup> In 1588 the Captain of Portland Castle (Caro Raleigh) secured a little ordnance with difficulty. In July a Spanish ship full of powder, bullets, munitions, etc., was brought into Weymouth, and Mr. Raleigh wrote to the Council asking if he might have certain guns out of the ship to fortify the Castle of Portland. After some delay a message was sent to George Trenchard, one of the Deputy Lieutenants of Dorset, telling him that Mr. Raleigh might have the port pieces of ordnance out of the said ship. Scarcely had the letter been written, however, than either the Queen found the property more valuable than she had supposed, or she was incensed by the theft from the ship of certain chests of treasure. A second letter was thereupon dispatched to Mr. Trenchard telling him and the Vice-Admiral of Dorset to hire a vessel and send all the brass ordnance in the ship up to London, and if they had delivered any of this to Mr. Raleigh they were at once to demand the same. for Her Majesty had found certain pieces of iron ordnance in London which were to be given to him instead. *Acts of the Privy Council*, July 27, 30, Sept. 2, Oct. 6, 12, 1588.

In 1599 Weymouth was represented as being in even worse case than in 1588. *State Papers Dom. Eliz.*, Vol. CCLXII, No. 25; *ibid.* No. 33 (i); Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII.

the coast was the special responsibility of all those who happened to dwell in places most exposed to attack.<sup>1</sup> Doubtless one of the remarks that had given most annoyance in the Weymouth letters was the threat of the Mayor and Aldermen to leave the town if precautions for its defence were not taken. This was deliberately running counter to one of their most cherished principles in dealing with the counties. That residents in a county should not quit it in times of trouble except at the command of the Crown had already been insisted upon under Mary; Elizabeth and her Council insisted upon it yet more strongly. They laid it down as an axiom that it was 'the law of nature and of the land' that all living near the coast should defend it.<sup>2</sup> In accordance with this they endeavoured to put into practice the rule that no one, especially in the maritime counties, might in a time of danger move from one county into another without a special licence; nor might the inhabitants of coast towns or villages remove from their dwellings by the sea.<sup>3</sup> How frequently

<sup>1</sup> The argument was also advanced by the Crown that certain towns enjoyed the privileges conferred on them by Charter in consideration of services to be done by them. On August 20, 1587, the Queen wrote to Lord Cobham, Lord Warden and Lord Lieutenant of Kent: 'We do find it very strange that the inhabitants of our Cinque Ports . . . pretending to have such large privileges above the rest of the subjects of this our realm, which were at the first granted unto them in consideration of services to be done by them upon our narrow seas . . . have not at any time made offer unto us in respect of the benefit they receive by the pretence they make to the said privilege, as to employ themselves for the defence of our sea-coasts. . . .'—Hist. MSS. Com., *Foljambe MSS.*, fol. 113.

<sup>2</sup> *Acts of the Privy Council*, Nov. 12, 1595.—'All persons having habitations upon the sea-coasts or near unto, or being owners, farmers, or officers of any castles or houses of strength within that county, to attend with all their forces for the defence of the sea-coast and their habitations as by the law of nature and of the land they are bound to do.'

<sup>3</sup> *Ibid.*, August 29, 1587.—A letter to Lord Cobham to give 'commandment to such gentlemen as did withdraw themselves from the Isle of Thanet, which they inhabited before, to return again to their houses in the said Isle for the better strength of the same.' *State Papers Dom. Eliz.*, Vol. CCXI, No. 32.—Taxation of absentees in the Isle of Purbeck, June 1588.

this prohibition was defied and evaded is made evident by the many references to absentees in various years throughout the reign. Letters were constantly sent to the Lieutenants that they were to order them upon their allegiance to return<sup>1</sup>; if they failed to do so, the Sheriff was to make an inquisition of the value of their property and certify it to the Crown.<sup>2</sup> The inhabitants of the maritime counties may well have thought that under these circumstances they were entitled to ask for some help in the matter of fortifications, since the danger was at their very door and they might not flee from it.

The provision of powder and match aroused less controversy. Certain towns in every maritime county, as well as others in some at least of the inland counties, were required to keep a store of these, for the charges of which they were liable. The proportion assigned to each town was signified by the Council to the Lieutenant, and he or his Deputies were then expected to see that the town duly purchased the specified quantities from the agent appointed by the Council, who was enjoined to furnish it at reasonable prices.<sup>3</sup> It appears, however, that it was by no means settled which towns

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCLXIII, No. 20 (May 1594).—Captain Watson to the Lord Admiral and Mr. Secretary Cecil concerning 'the general unwillingness of the inhabitants of Weymouth, many of whom, dreading the enemy, daily convey away their goods without providing for defence.' *Acts of the Privy Council*, June 6, 1596.—Letters to Lords Lieutenants of the maritime counties. *Ibid.*, November 6, 1596.—Letter to Lords Lieutenants and Commissioners for Musters for eighteen counties. *Ibid.*, Feb. 18, 1597–8.—Licence given to Robert Morris to move into Devon, 'being a man troubled with the infirmity of the gout.'

<sup>2</sup> *Ibid.*, Nov. 12, 1595.

<sup>3</sup> *Ibid.*, March 30, 1586.—Letters to the maritime counties ordering a collection to be made of money to be expended upon powder and match, to be bought of Henry Dale of London, Merchant. *Hist. MSS. Com., Rutland MSS.*, Vol. I, p. 193, April 1586.—Precept to the Mayor and Aldermen of Lincoln and the Mayor of Boston, for money for powder and match. *Ibid.* p. 202, Aug. 2, 1586.—The Council to the Earl of Shrewsbury, Lord Lieutenant of Stafford and Derby—to remind the towns to send to H. Dale in London for their provision of powder and match.



in each county had this liability and which were free from it, as there were frequent requests to the Council or to the Lieutenants from towns which had been charged that others should share the expense with them.<sup>1</sup> In this as in other matters the towns seem to have been able to count upon the goodwill of Lieutenant and Deputies, who were often willing to make representation on their behalf to the Crown or Council.<sup>2</sup> A much bigger proportion of powder and match was again required from the maritime districts than from those inland, but here some contribution to the total amount was made by the Crown.<sup>3</sup>

The store, once provided, might only be used by the direction of the Lieutenant or the Deputies, or in case of great emergency, one of the captains, and to prevent

<sup>1</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 98.—Letter from the Council: 'Touching powder and match, we think it reasonable that the towns of Grimsby, Grantham and Stamford should make a proportionable port of the provision as the city of Lincoln and other corporate towns do.' Cf. *ibid.*, *Rutland MSS.*, Vol. I, p. 193; *ibid.* p. 282, Ap. 1590.—The Earl of Shrewsbury to John Manners, Deputy Lieutenant. A letter from the Council has ordered the cost of powder to be shared by Derby, Chesterfield, and Ashborne.

<sup>2</sup> In 1586 Sir Henry Ashley, Deputy Lieutenant for Dorset, wrote to the Council that the borough of Poole was unable to provide the quantity of powder and match demanded, and asked on its behalf that the adjacent towns and boroughs should be included in the rate. *State Papers Dom. Eliz.*, Vol. CXII, No. 2. Apparently, however, his advocacy was unsuccessful, as another Deputy of the same county, Mr. Trenchard, wrote to the Bailiff of Weymouth in respect of non-payment of their contribution, that if it were not paid on receipt of his letter those in fault would be treated as had been done at Poole, 'of the which I would be right sorry.'—Moule, *Weymouth and Melcombe Regis Documents*, IV, No. 30.

<sup>3</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 109b (p. 24); Bruce, *Report*, App. xxvi. In 1586 the six southern counties were charged in the following proportions:

	£	s.	d.
Kent . . . .	631	9	4
Sussex . . . .	399	5	4
Hampshire . . . .	399	5	4
Dorset . . . .	378	17	0
Devon . . . .	527	13	4
Cornwall . . . .	320	1	2

waste the Council insisted on inventories of all kinds, Walsingham's letters in particular urging the greatest economy on the counties.<sup>1</sup>

Among the general duties of the Lieutenants at this time, which touched the towns as well as the country generally, was that of dealing with tales and rumours. Whatever her predecessors had felt about the danger of such, Elizabeth felt tenfold. Alongside the extended conception of treason, which allowed the lightest words that could be construed as criticism to be sternly dealt with, went prohibitions against rumours of all kinds; such tales as had terrified the inhabitants of Weymouth. Particular instructions were given to the Lieutenants that all who told or repeated such were to be punished. But even as the country gentry were encouraged to send up letters descriptive of their neighbours and their neighbours' doings, so no opportunity was lost of ascertaining the truth of the gossip and tales brought in by seafaring men. The position of the last, when hands were laid upon them and they were required to unfold their tale before the Lieutenant and the Mayor for the benefit of the Privy Council, can hardly have been enviable. If it proved to be a false tale of the reported landing of the French or of the near approach of the Spanish fleet, or if it excited commotions and riots in the district, they were likely to be hardly dealt with, yet the Council looked to them for information. All along the coast inquiries were made and depositions taken to be sent up to the Court.<sup>2</sup>

<sup>1</sup> *Talbot MSS.*, fol. 118.—A letter on the avoiding of 'great expense' caused by the wasting of powder (1585). Another letter to the same effect is among the *Duke of Bedford's MSS.*

<sup>2</sup> In July 1586 two Liverpool seamen, Nicholas Abrahams and J. Lambert, who had been kept prisoners for twelve months in Bilbao, came into Weymouth, began to talk, and were brought up before the Mayor. They told him that they had heard in Bilbao that 700 ships and galleys and 280,000 men were nearly ready to sail for England. Also they had heard a Spanish captain tell a certain Robert Stacey of Saltash that he would take him with him when he sailed from Lisbon

In the meantime the training of the levies as specified for the various groups of counties had continued under superintendence of Lieutenants and Deputies.<sup>1</sup>

1587 was a year of crisis. In March, letters were sent to the Lieutenants, requiring them to issue orders to the captains to meet at appointed places, on or before the twentieth of that month, to make up the musters of men and arms, supply 'dead and lame men's arms,' and assemble their bands in places near the sea-coast. They or their Deputies were also to lead the captains to the places of descent in order to acquaint them with the ground; cover was to be devised for the soldiers, and hindrances for the enemies' landing. Plans were to be made for the stores, horses to be trained, rendezvous fixed, and orders taken for the guarding of passages and fords and the erecting of turnpikes.<sup>2</sup> Alarums and excursions occurred throughout the summer. In October invasion was expected at any moment, and further letters were sent to the Lieutenants requiring them to have the levies viewed and put in strength to be in readiness to repair to the places already appointed at an hour's notice.<sup>3</sup> During the same month the Council also sent out letters of inquiry, asking that full particulars should be sent to them of the military state of

to Waterford (Moule, *Weymouth and Melcombe Regis Documents*, VI, 39). Foreign sailors made prisoners were interrogated as well. The next month the tale of Abrahams and Lambert was confirmed by a Portuguese sailor, whose boat had been taken off St. Aldhelm's Head (*ibid.*). Cf. also J. Bruce, *op. cit.* App. lxiv.—The Mayor of Southampton to Sir Francis Walsingham on the examination of a seaman. Also *Lancashire Lieutenancy Papers*, Vol. I, p. 24, No. 8; Vol. II, p. 176, No. 39.

<sup>1</sup> Full details of the general training in the *Lambeth MSS.*, 247, and *Hist. MSS. Com.*, *Foljambe MSS.* For Lancashire see Chetham Soc., *Lancashire Lieutenancy Papers*; for Surrey, Kempe, *Loseley MSS.*; for Lincolnshire, Staffordshire, Derbyshire, Nottinghamshire, *Talbot MSS.* and *Hist. MSS. Com.*, *Rutland and Cowper MSS.*; many entries under names of various counties in the *State Papers Dom. Eliz.*

<sup>2</sup> Bruce, *Report*, App. ii; *State Papers Dom. Eliz.*, Vol. CXCIX, Nos. 75, 76; *Talbot MSS.*, Vol. N, fol. 161; Chetham Soc., *Lancashire Lieutenancy Papers*, Vol. I, p. xxxvii.

<sup>3</sup> *Acts of the Privy Council*, Oct. 9, 1587.

every county. They had some reason to be annoyed at the result, since only fourteen counties had replied by the following April, while Dorset, Devon, Somerset, Wilts, and Cornwall, the districts most exposed to invasion, had only sent very partial accounts of what had been done. The result was a series of indignant letters from the Council, saying that Her Majesty found it 'very strange and doth not a little marvel at their negligence.'<sup>1</sup> At this point it is clear that the Crown and Council felt that, however strenuous the work done by the Lieutenants, the county levies could not be wholly relied upon unless expert assistance was given. This assistance took the form of sending men with considerable military experience, such as Sir Thomas Leighton and Sir John Norris, into the various parts of England, but more particularly into the maritime counties, not only to inquire what had been done that the Queen and Council might be informed of the state of 'every county within her realm,' but also to note defaults and give expert military advice.<sup>2</sup> It was, perhaps, a confession that the system of the county levies, and their training by the gentlemen of the county, was not wholly efficient. The work, however, seems to have been done with comparatively little friction between the Lieutenants and the new-comers,<sup>3</sup> and a

<sup>1</sup> Bruce, App. xix; Hist. MSS. Com., *Foljambe MSS.*, fol. 97, etc.; *Acts of the Privy Council*, October 9, 1587, etc.

<sup>2</sup> *Ibid.*, Dec. 7, 1587; Bruce, *Report*, App. ix.—Letters to the Lieutenants of Kent, Sussex, Hants, Dorset, Essex, Suffolk, and Norfolk. Cf. Hist. MSS. Com., *Foljambe MSS.*, fol. 132, Dec. 21, 1587.—A copy of the Warrant for the entertainment of certain Captains which were sent into sundry counties to take view of the forces, with their allowances. *Ibid.*, fol. 246, is a Commission to Sir William Russell in 1599, 'to be assistant to the Lieutenants in the counties of the south and western parts where Lieutenants are, and to the Sheriffs and Commissioners for Musters, and to be the chief commander of the forces there.' These men, like all those employed professionally by the Crown for the organisation of the armies, were of course paid by the Crown.

<sup>3</sup> *State Papers Dom. Eliz.*, Vol. CCIX, No. 108. Sir John Norris reported that he had been honourably received and assisted.



report was sent into the Council and later distributed among the chief men of the counties, giving full instructions as to what measures were to be taken, including the firing of beacons, the sending of posts, and the summoning of the levies to the places of rendezvous should the enemy be sighted.<sup>1</sup>

When that event took place, the Lieutenants found themselves once more in a difficult position.

According to all custom and usage, the one occasion on which the men could be called out of their own county was that of invasion. In this instance the men of Dorset, Devon, and Cornwall seem to have had no objection to moving into one of the neighbouring counties should the enemy land at any spot on the coast. It was entirely another matter when, in 1588, the Council having learnt once more that the King of Spain's navy was abroad upon the seas, letters were sent to the Lieutenants, saying that the county levies were to be divided into three parts, the first to repair to the sea-coast to attempt to stop the enemy's landing, the second to help encounter the enemy should he succeed in landing, and the third to join the army appointed for the defence of Her Majesty's person. Therefore the Lieutenants were immediately to give orders that the required number of men from each county, 'sorted with weapons . . . reduced unto bands,' should be in readiness to repair at an hour's notice, either to the Court to attend Her Majesty's person, or to join with the general army assembled to confront the enemy.<sup>2</sup> It was over the disposal of this last third of the levies that once more the Crown and the counties came into conflict. The former was undoubtedly within its rights, since invasion was imminent, in summoning the men to London; but Dorset and Devon and the adjacent counties held that since theirs was the duty of

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCIX, No. 31; *ibid.*, Vol. CCX, No. 8.

<sup>2</sup> *Hist. MSS. Com., Foljambe MSS.*, fol. 173.

defending their coasts, and theirs, as they saw it, was the greatest danger, their levies should remain where they were. On July 23 the Lieutenants were ordered to send the men up to Stratford at Bow.<sup>1</sup> Two days later other letters added that the lance and light horse in the counties were also to be sent.<sup>2</sup> Thereupon the Lieutenant of Hampshire and Dorset wrote, saying that he could not send the men out of Dorset as the enemy was so near them and in fight; also he had heard that the French were at sea assisting the Spaniards; while many of his men had been impressed into the service of the Lord Admiral.<sup>3</sup> Another protest may have been made earlier by the Deputy Lieutenants of Dorset, for before his letter could have reached the Court<sup>4</sup> the Lords of the Council had written to them, saying they saw 'no such cause for doubt, and that the said fleet was past that coast'; therefore they were not to fail to send up the 1000 foot with all speed.<sup>5</sup> There was, as a matter of fact, no question now of a Spanish landing anywhere on the south-west coast, for Howard and Drake were already driving the Spanish fleet up the Channel. On August 2 the levies went up to London,<sup>6</sup> but by the time they arrived there the question of disbanding the troops had already arisen. On the 7th, letters were sent out again to the Lieutenants, giving instructions for the sending back of the levies that had been called up; as the army in London had grown to such numbers that it was impossible to feed or lodge them, each county must have back its own men and be careful to keep them in readiness for any 'new

<sup>1</sup> *Acts of the Privy Council*, July 23, 1588. Cf. Hist. MSS. Com., *Foljambe MSS.* fol. 175, and Bruce, *Report*, App. xxix.

<sup>2</sup> *Acts of the Privy Council*, July 25, 1588; Kempe, *Loseley MSS.*, No. 119.

<sup>3</sup> *State Papers Dom. Eliz.*, Vol. CCXIII, No. 36. He had already asked that men from other counties should be sent to assist him (*ibid.* No. 29).

<sup>4</sup> His letter is dated July 26, that of the Council July 27.

<sup>5</sup> *Acts of the Privy Council*, July 27, 1588.

<sup>6</sup> *State Papers Dom. Eliz.*, Vol. CCXIV, No. 13.

warning to repair hither.'<sup>1</sup> The warning never came. On August 24 letters were written to the Lieutenants for all the horse and foot that had been at Tilbury to come up once more, but they were never dispatched. There is a note in the margin, 'Stayed.'<sup>2</sup>

### *Service outside England*

The difficulties experienced concerning the ordinary musters were all intensified during the last fifteen or twenty years of the reign. During these years England was practically a nation in arms. It was not only that there was constant danger of invasion by Spain. The Armada had been scattered in 1588, but during the subsequent years those responsible for the safety of the island never ceased to apprehend, with some reason, another attack.<sup>3</sup> But, further, during these years the Queen was forced so far to depart from her avowed principles as to send fighting men out of England. It was doubtless this state of affairs that accounted for the Lieutenants retaining their Commissions after 1588 instead of these being terminated. That upon the death of a Lieutenant a group of Commissioners was often appointed to act in his stead, by no means implied that the levies were in a more satisfactory condition than heretofore, or that the need for men was less. The contrary was the fact in both cases. Once again the rulers of the counties constantly represented to the Council that there was everywhere a shortage of available men to act either as captains or as common soldiers. Once more the coastal towns of the south-west protested that their fortifications had been suffered to fall into decay; that the Crown gave them no ordnance wherewith

<sup>1</sup> Hist. MSS. Com., *Foljambe MSS.*, fols. 196, 196b; cf. Kempe, *Loseley MSS.*, No. 120.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, fol. 197.

<sup>3</sup> Cf. *Acts of the Privy Council*, May 16, 1591; Hist. MSS. Com. *Hatfield MSS.*, Vol. VIII, pp. 148, 149 [1598].

to defend themselves, while in addition it deprived them of their men. Once more Crown and Council replied that it was the national duty of those who dwelt near the coast to defend it.<sup>1</sup>

Many of the difficulties touching the levies remained the same as before, but now others were added to them. Soldiers were needed for Ireland; at the same time the Queen found herself unable to turn a deaf ear to requests that she should send forces abroad.

Apart from the question of revolt in Ireland, that island was a possible factor to be used against England in the war with Spain. It was similar considerations that induced Elizabeth to consider seriously the question of sending men into the Low Countries, Normandy and Brittany. As regards the last-named districts, not only was there the fear that Henry IV might be induced to consent to a partition of France, which would involve the surrender of the Duchy of Brittany to Spain, but it was well known also that Philip was endeavouring to gain a foothold along the northern coast of France, and was threatening the Channel Islands, as well as the coast of Normandy and Brittany.<sup>2</sup>

Once the Queen had reluctantly come to the conclusion that men must be sent out of England, she had no resource but to call on the counties to provide them. This was done by means of letters issued under the Privy Seal or the Signet to the Lieutenant or the Commissions for Musters in every county from which the men were to be drawn.<sup>3</sup> Such letters, ordering levies

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCLXXII, Nos. 19, 25, 33; Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, p. 149.

<sup>2</sup> *Acts of the Privy Council*, Feb. 21, 1591; *State Papers Dom. Eliz.*, Vol. CCXXXVII, No. 191; Strype, *Annals*, App., No. 66; Hist. MSS. Com., *Hatfield MSS.*, Vol. VI, p. 387.

<sup>3</sup> *Talbot MSS.*, Vol. I, fol. 180.—Signed letter from the Queen given under the Signet to the Earl of Shrewsbury to choose fifty able soldiers in Derby 'to be sent into our realm of Ireland for our service there.' Hist. MSS. Com., *Hatfield MSS.*, Vol. VI, p. 138.—Privy Signet to Lord Burghley as Lieutenant in Essex to raise a thousand men to be sent into



to be raised for service either in Ireland, the Low Countries, Normandy or Brittany, became of yearly occurrence. They were not received with any enthusiasm by the authorities who had to choose the men; nor were the latter enthusiastic for the service. Some men of the type of Bardolph, Nym, and Pistol were volunteers, but the majority had to be impressed, and deserters were many; from the musters, from the ports whence they sailed, and from the army abroad.

The expense of these levies was not, however, as a rule, thrown upon the counties; the coat and conduct was collected in the first instance from them by the Lieutenants, but it was supposed to be refunded by the Crown, and this seems usually to have been done,<sup>1</sup> although possibly not invariably so.<sup>2</sup> The Crown also paid the men 8*d.* a day—the time-honoured wage of a soldier serving abroad.<sup>3</sup> At the same time, the Lieutenants were on occasion told to obtain a contribution from their counties for special purposes, for example, so as to give all the soldiers 'some money in their purse.'<sup>4</sup> Also, while the Crown paid wages to all officers and others on service abroad or in Ireland, they demanded in addition the recognised quota of horses, or money payment instead, from all those, clergy and laity, whose possessions rendered them liable to the charges. The Lieutenants and Deputies found the task of collecting these as ungrateful a one as that of collecting men.<sup>5</sup>

Picardy. *Ibid.* p. 285.—Another Privy Signet to the same to levy and arm 70 in Essex and 50 in Herts for Flushing.

<sup>1</sup> *Acts of the Privy Council*, Aug. 11, 1579; July 28, 1592; Nov. 12, 1598; March 6, 1598–9.

<sup>2</sup> *Ibid.*, July 22, 1591.—The Council to Lord Chandos. This letter reads as if the expense fell on the counties.

<sup>3</sup> Grose, *Military Antiquities*, Vol. 1, p. 287 (1553); p. 291 (1598). Hist. MSS. Com., *Foljambe MSS.*, fol. 88b, '... 8*d.* a day, the ordinary pay of a common soldier in her Majesty's present services beyond the seas . . .'.—The Council to the Earl of Derby.

<sup>4</sup> *Acts of the Privy Council*, July 23, 1591.

<sup>5</sup> *State Papers Dom. Eliz.*, Vol. CCLXIX, Dec. 8.—The Justices of the Peace to provide horsemen for Ireland. *Acts of the Privy Council*,

The expedition to Normandy is typical of others, although it seems probable that, on the whole, service in France was not quite so unpopular as service in Ireland.

In 1591, the Earl of Essex and Henry IV between them succeeded in persuading Elizabeth to consent very reluctantly to sending a small force to France. In all, 4000 men were promised to the King,<sup>1</sup> but as 600 men had been sent him earlier in the year, and Elizabeth insisted upon these being considered as part of the 4000, the number was reduced to 3400; while later a band of 100 lance was substituted for 250 of these.<sup>2</sup> Also the official number, used as a basis for reckoning, never corresponded with the actual number, since ten 'dead pays' were reckoned to each company of 150 men.<sup>3</sup>

Letters were sent to the Lieutenants of twenty counties and to the Lord Mayor of London, directing them to raise a specified number of men in each case.<sup>4</sup> They were to see that the men were :

' . . . of able bodies and years meet for this employment, and that their armour and furniture be good and serviceable.'

They were drawn from the counties as follows :

London	.	.	.	.	.	.	300
Lincolnshire	.	.	.	.	.	.	300
Yorkshire	.	.	.	.	.	.	400
Northants	.	.	.	.	.	.	200
Warwick	.	.	.	.	.	.	150
Suffolk	.	.	.	.	.	.	150

Nov. 21, 1592, refusal to pay. Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, p. 277.—Protest to the Deputy Lieutenants of Cambridgeshire. *Ibid.* p. 296.—The Bishop of Worcester's petition to Sir R. Cecil that he may be excused payment of sums for horses for Ireland, as rated upon him by the Archbishop, since he has saved no money, having been but a short time in the See, has to pay his first fruits to the Queen and 'my ordinary charges in my remove (from Exeter) and in setting myself and my family in this place I could not defray for £700.'

<sup>1</sup> *Acts of the Privy Council*, June 24, 1591.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CCXXXIX, Nos. 51, 56, 57.

<sup>3</sup> *Ibid.*, Vol. CCXXXIX, No. 49.

<sup>4</sup> *Acts of the Privy Council*, June 24, 1591.

Essex	.	.	.	.	.	.	150
Notts	.	.	.	.	.	.	150
Leicester	.	.	.	.	.	.	150
Gloucester	.	.	.	.	.	.	150
Norfolk	.	.	.	.	.	.	150
Bucks	.	.	.	.	.	.	100
Berks	.	.	.	.	.	.	100
Oxford	.	.	.	.	.	.	100
Herts	.	.	.	.	.	.	100
Hants	.	.	.	.	.	.	100
Middlesex	.	.	.	.	.	.	50
Surrey	.	.	.	.	.	.	50
Bedford	.	.	.	.	.	.	50
Cambridge	.	.	.	.	.	.	50
Rutland	.	.	.	.	.	.	50

These men, with a captain to every 150, were appointed to be ready to sail from convenient ports, according to the counties in which they were levied, by July 24.<sup>1</sup> The captains, with the other officers, received wages. In the case of the captains these were 42s. a week,<sup>2</sup> but as they were entitled to the 'dead pays' of their companies, their weekly income must have been considerably more than its nominal amount. Even so, it did not by any manner of means suffice to meet their expenses. One of them, Robert Carey, said that his table cost him £30 a week,<sup>3</sup> and the style of living among the officers was on a luxurious scale generally.<sup>4</sup> They took most elaborate clothes with them, for in spite of a command having been issued that they were to have no luggage except what they could carry at their backs, Essex and his captains made a splendid appearance when they first met Henry, having six pages dressed in orange velvet embroidered with gold; while the Earl's

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCXXXIX, Nos. 60, 98; cf. *Acts of the Privy Council*, 1591.

<sup>2</sup> *Ibid.*, April 26, 1591.

<sup>3</sup> Robert Carey, *Memoirs*, p. 12.

<sup>4</sup> When the gourmet M. D'O came to Dieppe and asked for dainty fare, the Englishmen were proud to be able to place before him tarts of musk and amber.—Camden Soc., *Journal of the Siege of Rouen*, p. 30.

coat, also of orange velvet, was covered with jewels valued, so it was reckoned, at more than 60,000 crowns.<sup>1</sup>

That was one aspect of military service outside England. It was far more popular with the sons of the county gentry, who acted as captains, than it was with the men. There was a certain atmosphere of romantic adventure about such expeditions which appealed to the former, and they at least fared not at all badly with banquets and entertainments. Essex, who above all men loved the pomp and circumstance of war, and his captains were ready enough to offer their swords for foreign service. It was another matter when it came to the foot soldiers. The Earl had remained for more than two hours on his knees before the Queen, imploring her to allow him to go.<sup>2</sup> The men levied from the counties were determined not to go if they could possibly avoid doing so. For this they can scarcely be blamed. The discomforts of service abroad must have fallen upon them more hardly than it did upon the captains. Whether or no they would receive their pay was doubtful, since the arrangement on this occasion was that once in France they should be paid by the French King, and their eventual return must have been to them extremely problematical.

Those who went with Essex saw, comparatively speaking, very little fighting. Elizabeth indeed had expressly told the Earl that none of her subjects were to be put on any desperate enterprise.<sup>3</sup> Nevertheless, when the musters were taken in December at Rouen, there only having been a few skirmishes, there were missing, besides the 'dead pays' which were allowed for, 2288 men.<sup>4</sup> Some of these would have been deserters, but disease had accounted for many. Out of the

<sup>1</sup> Cayet, *Chronologie Novenaire I*, p. 326. For the personal extravagance of the Earl in Ireland see Hist. MSS. Com., *Hatfield MSS.*, Vol. IX, p. 271.

<sup>2</sup> *Lives and Letters of the Devereux Earls of Essex*, Vol. I, p. 215.

<sup>3</sup> *Ibid.* p. 218.

<sup>4</sup> *Ibid.* p. 267.



thousand odd men remaining, 226 were said to be either sick or wounded,<sup>1</sup> and the English ambassador described the English forces tersely as 'few, poor, and sickly.'<sup>2</sup>

When, at the end of that month, the Queen forced Essex, much against his will, to return, many of the captains came home with the dignity of knighthood,<sup>3</sup> but the army of 3400 men of able bodies and years had been reduced to a pitiable little remnant of some 800 odd, many of whom were sick men.<sup>4</sup>

There is only scanty evidence in this, as in other instances, of how the men fared upon their return, or how many ever did return from the Low Countries and Ireland.<sup>5</sup> A proclamation of this year distinguished between 'unlawful vagrants' and 'soldiers lawfully dismissed,' and ordered that the latter should be given public letters from the Justices of the Peace, to be shown to ministers spiritual and temporal that they might obtain reasonable aid for their journey from the ports to places whence they had been levied. Their own parish or hundred was to give them relief during sickness, and it was recommended that they should be placed with their former masters.<sup>6</sup> Sometimes a county was ordered to provide for a particular case,<sup>7</sup> and in

<sup>1</sup> *Lives and Letters of the Devereux Earls of Essex*, Vol. I, p. 267.

<sup>2</sup> Roxburghe Club, *Unton Correspondence*.—Unton to Burleigh, Dec. 3, 1591.

<sup>3</sup> A clause had been inserted in the Earl's Commission allowing him to make knights. He bestowed that dignity on so many of his captains that the Queen, when she heard of it, remarked 'His Lordship had done well to have built his almshouses before he had made his knights.'—*Journal of the Siege of Rouen*, p. 71.

<sup>4</sup> Carey, *Memoirs*, pp. 24, 25; *Earls of Essex*, Vol. I, p. 273.

<sup>5</sup> *Acts of the Privy Council*, July 5, 1591.—The Council to the Lieutenants of Kent, Sussex and Southampton, touching the expedition with Lord Willoughby, 'Her Majesty is informed and we do fear the same to be true that few of the men returned again.'

<sup>6</sup> *State Papers Dom. Eliz.*, Vol. CCXL, No. 60; cf. 39 Eliz. c. 3.

<sup>7</sup> Chetham Soc., *Lancashire Lieutenancy Papers*, Vol. II—(i) a letter from the Council to the Justices of the Peace in Lancashire, September, 1593, for the relief of Nicholas Whittacre, a lieutenant, maimed and hurt in Her Majesty's service; (ii) another letter for the general relief of maimed and hurt soldiers.

1593 there was a Parliamentary grant for distressed soldiers and sailors, which was distributed by the Lieutenants.<sup>1</sup> But for the most part the men probably went to swell the bands of vagrants and beggars whose existence was a constant problem to the Crown. This army of vagrants and beggars, however, also gave England soldiers.

The correspondence between the Council and the Lieutenants or the Commissioners for Musters, concerning the raising of levies from 1591 or thereabouts onwards, consists for the most part of a series of reproofs from the Council concerning the negligence of the counties in not providing the men required, and replies to the effect that they could do no better.<sup>2</sup> The reluctance of the men to come to the musters when they were aware that they were going to be sent into the Low Countries, or France, or Ireland, is comprehensible, and even when they had been mustered and enlisted for service, there was perpetual desertion.<sup>3</sup> The authorities in the counties fully sympathised with this reluctance. They had a strong objection to sending their best men on military service outside England. On one occasion at least Sir Robert Cecil was told plainly that the men had been promised, when they were chosen for training, that they should never be impressed to any foreign service, that they were not willing to go, and would gladly pay to evade being sent to Ireland. The writer added that if the Council found it absolutely necessary to send men to the latter place, it would be far better to impress 'such men as are fittest,' but that

<sup>1</sup> *Acts of the Privy Council*, April 10, June 8, 1593.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. CCXLI, No. 91—Lack of captains in Herts, 1592; *ibid.*, Vol. CCXLIII, No. 43—Shortage of men in Hants and Leicestershire, 1592; *Acts of the Privy Council*, Feb. 3, 1599–1600—Letter to Warwickshire; *ibid.*, Feb. 10, 1599–1600—Letters to Mayor of Bristol and Deputy Lieutenants of Pembrokeshire; *ibid.*, Feb. 28, 1599–1600—Letters to Sheriff and Commissioners for Musters in Norfolk.

<sup>3</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. X, pp. 108, 208; *Acts of the Privy Council*.—Many entries from 1598 onwards.

the trained bands of the county should be kept within the county 'for the purpose for which they were chosen.'<sup>1</sup> The expression 'such men as are fittest' probably implied those men of whom the county wanted to be rid. The Lieutenants and Commissioners, as well as Justices of the Peace, had been for a long time following the course of taking these for soldiers. It was in vain that the Council wrote to the Lieutenants condemning the growth of the abuse, and saying plainly that their lordships and their lordships' Deputy Lieutenants, together with the Justices of the Peace and the Constables, were all in the plot for taking such men as the neighbourhood wished to be quit of.<sup>2</sup> What happened was probably accurately enough described by Captain Barnaby Rich, sometime servant to Sir Christopher Hatton, soldier and writer of military tracts :

'The Prince or Council, sendeth down their warrant to certain Commissioners, of every such shire when they mind to have such a number of soldiers levied and appointed; the Commissioner he sendeth his precept to the high Constable of every Hundred; the high Constable of every Hundred, he giveth knowledge to every petty Constable of every Parish within his circuit that upon such a day, he must bring two or three able and sufficient men, to serve the prince, before such Commissions, to such a place; the petty Constable when he perceiveth that wars are at hand, foreseeing the toils, the infinite perils and troublesome travails that is incident to soldiers, is loth that any honest man should hazard himself amongst so many dangers, wherefore if within his office, then hap to remain any idle fellow, some drunkard, or seditious quarreller, a privy picker or such a one as hath some skill in stealing of a goose, these shall be presented to the service of the prince.'<sup>3</sup>

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. IX, p. 43, to Sir R. Cecil; cf. *ibid.*, *Rutland MSS.*, p. 125. For the army in Ireland see Pollard, *Pol. Hist.*, Vol. VI, pp. 437 *seq.*; *Acts of the Privy Council*, 1589 onwards; *Lancashire Lieutenancy Papers*, Vol. I, p. xlix.

<sup>2</sup> *Acts of the Privy Council*, Aug. 27, 1598.

<sup>3</sup> *A Right Excellent and Pleasant Dialogue between Mercury and an English Soldier*. One of the few things Captain Rich found to approve

But in the end the Crown and Council were driven to take the course that they themselves had condemned. Either because of a genuine unwillingness to take more able men from the counties, or because they realised their powerlessness to obtain them, they did at the end of the reign definitely order Lords Lieutenants and Sheriffs to impress vagabonds and masterless persons for service abroad.<sup>1</sup>

of in the military system was the custom of appointing captains from among the gentry of the shire in which the soldiers were levied, but he had a poor opinion of their ability.

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. XI, pp. 331, 441.—Vagabonds, etc., taken from London and Suffolk, 1601. *Acts of the Privy Council*, 1601-3, App., March 17, 1602-3.—Letters directed to Lords Lieutenants and Sheriffs of eighteen several counties for the taking up of vagabonds and masterless persons to be sent into the Low Countries.



## CHAPTER V

### ADMINISTRATIVE DUTIES

#### *Finance*

THE Lieutenants were not only required to procure men for the Crown, they were also required to take their part in procuring money to meet exceptional expenditure.

In theory during the sixteenth century the Crown was still supposed to subsist on its hereditary revenues, supplemented by the proceeds from the indirect taxation granted by Parliament for life at the beginning of the reign. At the same time many expenses met to-day from the central funds were then thrown, either upon what the Crown called 'the forward disposition of individuals' or upon particular counties. But even so, in practice the Crown was forced to resort not infrequently to asking the country either for a direct tax or for a loan.

The usual form of direct taxation had been and was the tenth and fifteenth.<sup>1</sup> The working of this was not entirely satisfactory, and early in the century the Crown obtained from Parliament an additional form of grant, namely, the subsidy, which was a graduated tax on all kinds of property as well as wages.<sup>2</sup> The collection of this tax was made in every county separately by the gentry acting as Commissioners, no man being compelled to be one of these except for the county in which he

<sup>1</sup> Prothero, *op. cit.* p. lxxxi.

<sup>2</sup> *Ibid.* pp. lxxxi *seq.*; Tanner, *op. cit.* p. 604. The Subsidy Act of 1523 is printed by Tanner, p. 608. The Act 1 Eliz. c. 21, *An Act of a Subsidy and two Fifteenths and Tenths by the Temporality*, is printed by Prothero, pp. 27 *seq.*

had his dwelling-place.<sup>1</sup> Those who were to collect the money were nominated either by the Lord Chancellor or the Lord Keeper together with some of the other officers of State. The lists of names show that the selection was usually made from among the leading Justices of the Peace.<sup>2</sup> Where any of these were acting as Lieutenants or Deputy Lieutenants, the task often fell to them. No doubt one reason for this was that they were likely to be the best aware of the resources of the county. This last point was of importance because, although the Commissioners had to rate according to the declared value of the goods, they were also expected to ascertain that the value quoted by the owner was correct, and careful instructions were issued to them as to assessments and inquiries to be made.<sup>3</sup>

The following letter, written in 1598 to Sir Robert Cecil, shows these officials acting as recognised collectors for the subsidy, as well as the friction which perhaps must have occurred not infrequently between the gentry of the county :

‘ There is no gentleman in this county taxed for the subsidy above £40. My Lord North himself, if I am right, just reaches that limit. I am assessed at eighty. No one sends more than three horses to the muster ; I was charged with six, though in the end the number was reduced to four. These things would not matter much, if it were not said, to justify these figures, that I was in possession of very great wealth, a veritable treasure, and had boundless gains through

<sup>1</sup> 1 Eliz. c. 21 (viii) ; 43 Eliz. c. 18 (viii).

<sup>2</sup> *Lansdowne MSS.*, VII, No. 50 (fols. 112–115).—The Lord Keeper’s letters to collectors of the subsidy in Middlesex, 1563. *Ibid.*, VIII, No. 18 (fols. 77 seq.) gives the names of the gentlemen in every county to act as collectors for the subsidy. They are arranged under counties and include the names of many who were then or afterwards Lieutenants of their counties, as well as such personages as the Lord Chief Justice of Common Pleas, acting as collector within his county (Cambridgeshire), and the Bishop of Lincoln acting as collector for one division (Lindesey) of Lincolnshire, as well as for Huntingdonshire.

<sup>3</sup> 1 Eliz. c. 21 (xi) ; *Lansdowne MSS.*, XXXIV, No. 72 (fol. 190).—*Instructions for the Subsidy of 1582.*

my agents. So I feel myself reputed in men's mouths for the wealthiest man in the county, while in reality I get poorer every day, and daily lose hope of getting back the patrimony placed in the Queen's hands. I would have you consider then whether I ought any longer to endure this mistaken reputation, or if it be not honourable to let the world know my real position. Indeed, thinking this needful, I have begun by sending a letter—of which I enclose a copy—to Sir John Peyton and Sir John Cotton, from whom I have a message of no very courteous kind in answer; for they appear to consider my letter as not so much an explanation of my position as a censure of their assessment, especially of the way in which they themselves contribute nothing, though I did not intend any such criticism. They told my messenger they would send me a reply, which so far has not come. Meanwhile, it will soon be Saturday, when I must pay the money; and not to be in default, I bade Giustiniane take the sum to Sir Thomas Stanhope, to whose hands I understand it is to come; but my not sending it to Cambridge will probably provoke much complaint from the "lieutenants" to Lord North. And so appears the object of my letter, to let the world know by your means that my estate is not what they imagine; and that in the future my assessment may be reduced from £80 to £40, and the number of horses chargeable on me from 4 to 2; and so for all other taxes that may occur in the future. This reduction is very necessary, not so much for the heaviness of these charges (for which in truth I care little), as to correct the mistaken opinion of my wealth, which inconveniences me often, and to show that this is really my intention, I am prepared to send to the Irish army a man well armed and with a first-rate horse, so that in lieu of the £3 10s. I shall save on my assessment I shall spend £40. I will trust to you to tell Giustiniane what to say to Sir John Stanhope.

P.S. I have just received an answer from Seigneurs Peyton and Cotton. They defend their assessment on the common opinion of my wealth. All those they name in their letter have more and better land than I; but excuses are made for them. I alone am injured by the money I do not possess.' <sup>1</sup>

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. VIII, p. 547.—Sir Horatio Paravicini to Sir Robert Cecil. Lord North was Lieutenant for Cambridgeshire.

The collection of loans was more specifically the work of the Lieutenants, no doubt because these were most frequently raised to meet military expenditure. According to Hallam, loans were unparliamentary taxation, but were not considered illegal. They had been forbidden under Richard III, but the Act had been set aside as having been passed under an usurper.<sup>1</sup>

Loans were raised by the Crown at intervals during the century.<sup>2</sup> One of the most considerable was that raised in 1589 to meet the debt incurred in defence of the country against the Armada.

Letters were sent to the Lieutenants instructing them to

' . . . consider either by your own knowledge, or with secret conference with some such in that shire as you think to be well affected to this service and are of knowledge to inform your Lordship therein how of each particular person being men of lands or of wealth in goods such particular sums might be reasonably required . . . in way of loan in that whole county. . . .

' And to this purpose we require your Lordship to consider if the number of all such as are known to be of sufficient livelihood and wealth within the shire of whom you shall think Her Majesty may readily have by way of loan only for the space of one whole year such particular sums of hundreds of pounds or of half hundreds or at the least not under the sum of twenty-five pounds.'<sup>3</sup>

<sup>1</sup> 1 Rich. III. c. 2 ; cf. Hallam, *Constitutional History*, Vol. I, pp. 244 seq. ; and Prothero, *op. cit.* p. lxxix.

<sup>2</sup> *Ibid.* p. xxix. For the 'Amicable' Loan of 1525 see Fisher, *Political History of England*, Vol. V, p. 254. Tanner, *op. cit.* pp. 621 seq., has printed the documents concerning this loan taken from *Letters and Papers H. VIII*, Vol. IV. For a loan under Mary see Froude, *History of England*, Vol. VI, p. 486 ; and Tanner, *op. cit.* pp. 624 seq. For Elizabeth's loan in 1569 see Haynes, *State Papers*, p. 518 ; and Strype, *Annals*, Vol. II, p. 102.

<sup>3</sup> *Annals*, Vol. III, p. 535. This letter Strype says he has taken from 'the very pen of the Lord Treasurer' and gives as its date December 4, 1588. It is printed in full by Prothero, *op. cit.* pp. 134 seq. Lord Burghley's minutes of the letter are among the *Lansdowne MSS.*, Vol. LVII, No. 4, fol. 8. They are endorsed with the date given by Strype.



It was added that none were to be exempt who were able to give, and that anyone who was serving Her Majesty in any of her Courts of Record or her Treasury who received fees or yearly profits was to be especially noted. The Privy Council reserved the right of revising the assessments made by the Lieutenants.

The collection was made by means of Privy Seals.<sup>1</sup> The money had to be paid to some one person within the county, whose name was supplied either by the Privy Council or the Lieutenant.<sup>2</sup> The Lieutenant, having received his instructions and the Privy Seals, distributed these among his Deputies and Justices of the Peace whom he had appointed to aid him. A letter from the Earl of Shrewsbury to the Justices of the Peace for Derbyshire gives the procedure then followed. After reciting the great needs of the times, he states that the Crown has decided on a loan, which they are to collect by way of friendly admonition :

‘ Then after you, the said Justices, have used this or the like persuasion, you must see the Privy Seals delivered to whom they are directed, dividing yourselves for that purpose as you were appointed by my former letters for the summons, requiring them to prepare the sums therein contained to be delivered within one month, or sooner if it may be, after the receipt of the said Privy Seal, to John Manners, Esq., Sheriff of the said county, appointed collector to account the sum to Her Majesty.

‘ Then it is thought expedient to read openly the contents of my warrant directed to the said John Manners, Esq., for that purpose.

<sup>1</sup> *State Papers Dom. Eliz.*, Addenda, Vol. XXXI, No. 3, is a blank letter of Privy Seal from the Queen requiring the loan to be paid to such persons as the Lieutenant of the county shall name; cf. *ibid.*, Vol. CCXXII, No. 84; and Prothero, *op. cit.* pp. 136, 137. *Lansdowne MSS.*, Vol. VII, No. 49 (fol. 111), is a warrant of Privy Seal for payment of loans of 1563; Kempe, *Loseley MSS.*, No. 82, is a letter under the Privy Seal from Mary to William More of Loseley, for a loan of £20, 1556.

<sup>2</sup> *State Papers Dom. Eliz.*, Addenda, Vol. XXXI, No. 3; cf. also *ibid.*, Vol. CCXXIII, March 31, 1589 (Warwick); *Acts of the Privy Council*, April 18, 1589 (Devon and Cornwall); *ibid.*, May 7, 1589 (Southampton).

'And in case you shall find any of the parties to whom the said letters of Privy Seal are directed unwilling and consequently refusing to yield to the said sums required, notwithstanding all the gentle persuasion which you have used to move them thereunto, it is requisite that you take good bonds of those recusant, to be before me at some certain date, by you or any two of you appointed, at what time they shall know at length the danger which they shall happen to incur in that behalf.

'And for that it may be that some of the parties to whom the Privy Seals are directed (over and besides those others whose travail for divers considerations I have thought good to spare and to will you, the Justices in those commissions, to send for them unto you or otherwise to deliver them their Privy Seals) will be either at London or removed out of the county into some other place of abode, it is requisite that you make a diligent enquiry thereafter and in case any such be at London and not likely to return in time convenient, then to send back unto me the said Privy Seals to such persons directed, to the end I may send them up again to be delivered there as the lords and others of the Privy Council shall appoint. And for such others as shall happen to be absent from their homes in other shires, I think meet that you, the Justices in those shires where they dwell (taking into your custody the said Privy Seals) leave straight order and commandment with their . . . and servants to send them word thereof and to require them to repair unto you . . . to understand from you Her Majesty's pleasure.'<sup>1</sup>

A list exists of the names of those subscribing to the loan, with the amount that each contributed.<sup>2</sup> It is taken from a printed list of 1789. A comparison of this with the documents referring to the loan among the State Papers seems to prove that it is genuine.

<sup>1</sup> *Talbot MSS.*, Vol. N, fol. 165. Cf. Royal Historical Society Publications, *The Stiffkey Papers* (ed. H. W. Saunders), pp. 95, 96—Instructions from the Privy Council for the collection of the loan in Norfolk.

<sup>2</sup> T. C. Noble, *The names of those persons who subscribed towards the defence of this country at the time of the Spanish Armada, 1588, and the amounts each contributed*. This was used by Bruce in the Report on Internal Defence.

The names for the county of Essex, for example, with the amounts contributed, can all be identified in the schedule drawn up by Lord Burghley for that county.<sup>1</sup> According to the figures of this list, in all 2416 persons lent sums of £100, £50, or £25, the total amount raised being £74,462. The totals for each county throw some light upon the population and comparative wealth of the counties. The five contributing the largest sums were as follows :

Kent	.	.	.	.	£5025
Sussex	.	.	.	.	4535
Essex	.	.	.	.	4125
Yorks	.	.	.	.	3692
Suffolk	.	.	.	.	3625

The five counties sending in the smallest sums were :

Beds	.	.	.	.	£975
Cornwall	.	.	.	.	900
Durham	.	.	.	.	875
Hunts	.	.	.	.	600
Rutland	.	.	.	.	375

The contributors included yeomen and townsmen, as well as the county gentry.<sup>2</sup>

Protests against the loan took two forms. Sometimes it was a general allegation that the county as a whole was too poor to pay the amount required, or that the assessment was unfair in respect of its size.<sup>3</sup> Sometimes protests came from individuals. In the latter instance

<sup>1</sup> *State Papers Dom. Eliz.*, CCXXII, No. 43.—*The Book of the Loan for the county of Essex*. The names of contributors in other counties can also be identified in many cases.

<sup>2</sup> The list of names for Essex is remarkable for the proportionably large number of yeomen who each contributed a sum of £25. Among the list of names given by Noble for the county of Dorset, nearly all of which can be identified, occur those of mayors and ex-mayors of Weymouth and Melcombe Regis, as well as merchants of Dorchester and Lyme Regis.

<sup>3</sup> *Acts of the Privy Council*, Jan. 30, 1588-9; cf. *State Papers Dom. Eliz.*, Vol. CCXXXVIII, No. 10.

appeals against the amount assessed, and even refusals to pay, occurred in most of the counties.<sup>1</sup> Occasionally a favourable answer was given to the appeals, provided the Lieutenant or the Justices of the Peace were willing to give a certificate stating that the individual had not the means wherewith to pay.<sup>2</sup> In one case where a witness produced a Privy Seal of the late Queen Mary for a sum loaned by his father and never repaid, that also was accounted in his favour, and he was excused the present loan.<sup>3</sup> Wilful refusal, where a certificate was either not produced or was not accepted, was sometimes met by the punishment of being called up to London and made to attend daily upon the Privy Council according to their pleasure.<sup>4</sup>

One corporation at least, the city of Worcester, must have exceeded the wildest expectations of the Justices of that county by paying £50 more than its assessment, namely, £200 instead of £150,<sup>5</sup> but some counties fell considerably short of their duty. Somerset, which was assessed at £3000, only paid £2300.<sup>6</sup>

Nevertheless, more opposition had perhaps made itself felt than was actually expressed in refusals to pay. That the method of assessment at least was not popular is suggested by a note concerning a loan which it was found necessary to raise in no longer a time than two years later. In 1591, when it was found necessary once more to borrow money for the expenses of the English army in Brittany, the Council decided that :

‘ It will cause less discontent than the last being assessed according to the Subsidy Book, whereas the last was at

<sup>1</sup> *Acts of the Privy Council*, April 17, 1589 (Ely); *ibid.*, April 22 (Worcestershire); *ibid.*, May 20, 31, June 12 (Bucks); *ibid.*, July 11, 25 (Beds); *cf.* also *State Papers Dom. Eliz.*, Vol. CCXXIV, Nos. 106, 107; and *Stiffkey Papers*, pp. 96, 97.

<sup>2</sup> *Cf.* also *Acts of the Privy Council*, Dec. 18, 21, 27, 1570; *State Papers Dom. Eliz.*, Vol. LXXIII, No. 27.

<sup>3</sup> *Acts of the Privy Council*, July 31, 1589.

<sup>4</sup> *Ibid.*, April 27, 1589.

<sup>5</sup> *Ibid.*, April 18, 1589.

<sup>6</sup> *Notes and Queries for Dorset and Somerset*, Vol. I, pp. 33, 34.



the disposition of Lieutenants and their Deputies in the shires.' <sup>1</sup>

In 1596, however, the former method was resorted to, the collectors, chiefly Deputy Lieutenants, being told to confer concerning the assessments with the Sheriffs, the Custodes Rotulorum, and some of the Justices of the Peace 'who best understand the state of the country.' <sup>2</sup>

It is in connection with the collecting of money for the Crown that one of the very few cases of Deputies failing in their duty is mentioned. In 1597 extensive frauds were said to have been committed by the two Deputy Lieutenants of Monmouthshire, Kadwalader Price and John Lewis Owen, who were accused, firstly, of taking arms and munitions out of the castle of Harlech to the value of £1000 and converting the same to their own use; secondly, of levying £1060 extra on the inhabitants of the county, pretending it was for Her Majesty's service; and, thirdly, of detaining £700 actually collected for Her Majesty in their own hands. After an examination by the Lord Lieutenant, they were suspended from their office and the case was removed to the Star Chamber. <sup>3</sup>

<sup>1</sup> *State Papers Dom. Eliz. Addenda*, Vol. XXXII, No. 7. But this loan seems to have been no more popular than the former, John Fortescue writing to John Manners that he always thought the number of Privy Seals for the loan to be excessive, 'yet I must press you to examine the ability of those parties who excuse themselves and to take advice with the Earl of Shrewsbury and to inform me of the matter,'—Hist. MSS. Com., *Rutland*, Vol. I, p. 290; cf. *Stiffkey Papers*, pp. 98, 99—a list of names of forty people in Norfolk who produced certificates from Justices testifying to their inability to contribute to this loan.

<sup>2</sup> *Acts of the Privy Council*, Feb. 2, 1596–7; *ibid.*, Aug. 17, 1597; *Lansdowne MSS.* Vol. LXXXIV, No. 31 (Minutes of Privy Seal).

<sup>3</sup> *Acts of the Privy Council*, May 16, 1598; *ibid.*, May 21, 1598; *ibid.*, May 28; *ibid.*, June 29, 1598. The case was removed to the Star Chamber by means of a Bill of Complaint lodged against the Deputy Lieutenants by Piers Lloyd. When this had been done the Deputy Lieutenants promptly commenced a suit against the same Piers Lloyd before the Council of the Marches. The Earl of Pembroke, who was both Lieutenant and Lord President, was, however, ordered by the Privy Council to stay this suit until the Star Chamber case had been heard.

*Church and State*

Given the Tudor theory that Church and State were not separate societies, but the same community in different aspects, there was nothing incongruous in requiring the Lieutenants, the Deputies, and the Justices of the Peace generally, to deal with recusants. It was taken as a matter of course that Bishop and Lieutenant should receive joint instructions on occasion from the Crown and Council, and should act together in the service of the Christian commonwealth in this as in other matters.

Dr. Figgis has pointed out that 'the series of legal changes beginning in the reign of Henry VIII had practically destroyed benefit of clergy and subjected all clerks to the law of the land. The Elizabethan settlement, sanctioned by the Act of Uniformity, had established, or sought to establish, one and one only form of legal service in the Church of England, in contradistinction of the ancient variety of uses from diocese to diocese; while the Act of Supremacy (under the eighth clause of which the Court of High Commission was set up), and the various statutes against Roman and Jesuit propaganda, had surrounded the régime with a strong police bulwark against all who strove to upset it.'<sup>1</sup> That settlement once made and sanctioned by the law of the land, any of those in a position of authority within the counties, whether Bishops, Lieutenants, Sheriffs, Justices of the Peace, or Constables, were expected to act together in the enforcement of these laws to be set forth:

'... as may best tend to the honour of Almighty God, the increase of virtue and unity in the same places, and the public weal and tranquility of this our realm.'<sup>2</sup>

The first general responsibility laid upon the rulers of

<sup>1</sup> *Churches in the Modern State*, p. 10.

<sup>2</sup> From the Commission of 1562, printed by Prothero, pp. 232 *seq.*

the county was that of seeing that the Acts of Supremacy and Uniformity and, later, other ecclesiastical Acts also, were not contravened. Over and beyond this, when special ecclesiastical Commissions were issued, some of the leading gentry of the district were named to act with the Bishop.

The assumption was that these authorities were loyal to the Elizabethan settlement. What their private opinions were must in most instances remain unknown. The three children of Henry VIII were in many cases served faithfully by the same men; nor were these necessarily the time-servers which they have been freely called. The idea of the Church as a national Church was part of their inheritance.<sup>1</sup> That the Crown, with the consent of Convocation and Parliament, had authority to alter the government of that Church many of them never doubted, any more than they doubted that loyalty was due to the settlement when once embodied in the law.<sup>2</sup> The royal supremacy had, for that matter, been exercised as drastically under Mary as under Elizabeth.<sup>3</sup>

All shades of doctrinal opinion must have existed among the Lieutenants. If some, like Shrewsbury, inclined towards the Roman view, others, like Bedford, were heartily in favour of the Anglican settlement.<sup>4</sup> One Deputy Lieutenant at least, Sir Matthew Arundel,

<sup>1</sup> 'Whether in doctrine, discipline, or worship, in the Articles, the canons, or the Prayer-book, the Reformation presupposed the existence of the English Church.'—Aubrey Moore, *History of the Reformation*, p. 262.

<sup>2</sup> Figgis, *Churches in the Modern State*, p. 10, says: 'What the faithful Commons were thinking of was the fact of the settlement and the sanction of it in the law of England.'

<sup>3</sup> 'Queen Mary had indeed re-established Church government in its ancient pride of place; but she had done so by an exercise of the same royal power which had previously abrogated it.'—J. Pollen, S.J., *English Catholics in the Reign of Elizabeth*, p. 2.

<sup>4</sup> The Earl wrote to Sir R. Grenville in 1565: 'The only good that I can see will come out of the present parliament is that all recusants will be thrown into gaol.'—*Duke of Bedford's MSS. at Woburn Abbey*.

was generally known to be an adherent of the Roman Church. The fact was sometimes used against him within his own county, where he was unpopular, yet in spite of the doubtful loyalty of some of his family, including his own son, he remained a Deputy Lieutenant and, it must be added, served the Crown loyally throughout all the period before and during the Spanish Armada and until the end of his life in 1598.<sup>1</sup>

Loyalty of service was what the Crown asked for. When Elizabeth demanded, as she did particularly during the latter half of the reign, that all nominated to responsible posts or holding any special position of trust should be 'well affected in religion,' that was coupled with the demand that they should be of 'sound disposition towards Her Majesty and the State.'<sup>2</sup> From the point of view of the Tudor Crown, the one thing really implied the other. For within a very few years the settlement had to be defended from attacks. It became necessary, when the Papacy was reasserting its claims with no uncertain voice, and the Presbyterians were putting forward their view of the relations between Church and State, that the true position of the Anglican Church should be made clear. But more had to be done than to answer theory by theory.<sup>3</sup> The authorities of the Church, no less clearly than the Crown and Council, saw whither the teaching of the Roman writers, on the

<sup>1</sup> He was one of Sir Robert Cecil's most faithful correspondents, and no doubt his friendship with the Cecil family ensured his holding the Commission. One may also venture to suppose that Cecil would have been sorry to have been deprived of a source of such copious information. Nothing that went on in Dorset escaped Sir Matthew Arundel's notice. He was at loggerheads with a great part of the county, including the Lieutenant, the Marquis of Winchester, and one of the leading squires, Sir Henry Ashley, and poured forth to Cecil a minute account, not only of the character of these and other gentlemen in the place, but also of everything that they did.

<sup>2</sup> Hist. MSS. Com., *Foljambe MSS.*, 106b.

<sup>3</sup> Cf. Figgis, *Divine Right of Kings*, c. v.; Pollard, *Political History of England*, Vol. V, pp. 354 *seq.*; Tanner, *op. cit.* pp. 167-179, prints a series of extracts from Cartwright's *Second Admonition* and Hooker's *Ecclesiastical Polity*.



one hand, and that of the Presbyterians on the other, was tending. Political events supported their view of the dangers threatening the English Church and the English State. The Papacy did not stop short at theories, while the activities of Mary Stuart, and the slow but unflinching conversion of Spain from a possible friend into a relentless foe, were hard facts which had to be met and dealt with.<sup>1</sup> Hence the insistence, particularly after 1570 or thereabouts, that recusants must be dealt with as a danger to the commonwealth.

Dr. Figgis has pointed out, in another connection, the importance of the fact that after this year the Crown always had to reckon with 'a King across the water.'<sup>2</sup> It was a fact that neither Crown nor Council dared forget. The possibility of a rising, and a successful rising at that, which would remove the last of the Tudors from the throne, was always before them.

The plan of exercising the royal jurisdiction by means of the special Commissioners for dealing with every offence that could be brought under the heading ecclesiastical, had been used freely in the reign of Edward VI and again under Mary. The general Commissions which had been issued by Edward VI in 1549 and 1551 to persons learned in theology and law, as well as members of the Royal Council, to inquire into heresy and exercise full jurisdiction on heretics and scorners of the Book of Common Prayer, were condemned as probably illegal in their extent by the Commissioners appointed to inquire into the situation and working of the Ecclesiastical Courts in 1883.<sup>3</sup>

The very full instructions issued to Lord Russell in

<sup>1</sup> For the Bull *Regnans in Excelsis* and the subsequent Elizabethan legislation see Tanner, *op. cit.* pp. 134 *seq.*

<sup>2</sup> *The Divine Right of Kings*, p. 100.

<sup>3</sup> *Report of the Ecclesiastical Courts Commission*, 1883, p. xxxviii. The Commissioners pointed out that these Commissions were not directly authorised by any statute, but were issued under the powers supposed to be recognised in the Crown by the Act 26 Hen. VIII, c. 1.

1549 have already been commented on in an earlier chapter. They were one manifestation of Northumberland's policy, which projected a more far-reaching interference with the subjects of the Crown than had been contemplated earlier or was practised later.<sup>1</sup>

But development on these lines was checked by the events of 1553. Mary's legislation restored to archbishops, bishops, and ordinaries the same ecclesiastical jurisdiction as they had enjoyed in the twentieth year of Henry VIII<sup>2</sup>; hence when Commissions for proceeding against heretics were granted under Mary the proceeding was limited to inquiry. Cases were referred for ulterior action to the courts of the ordinaries.<sup>3</sup> Her Lieutenants were almost certainly appointed entirely for the purpose of controlling the country, but although they were given no such special functions as regards the religion of the people of their districts as were supposed to have been exercised by Russell in the previous reign, yet they could, and would, have been called upon to take action such as Shrewsbury was required to take in putting down plays and interludes which tended to the slander of the old faith.

Elizabeth's policy followed neither that of her brother nor her sister.

The first extant Ecclesiastical Commission of her reign is dated July 19, 1559.<sup>4</sup> It was directed to Parker, nominated Archbishop of Canterbury, Grindal, nominated Bishop of London, two Privy Councillors, and fifteen other persons.<sup>5</sup> Henceforward Commissions continued to be issued at intervals throughout the reign.

<sup>1</sup> *Ecclesiastical Courts Commission*, p. xxxvi, 'some very fundamental changes would have been permanent had it not been for the change of policy under Mary and Elizabeth.'

<sup>2</sup> *Ibid.* p. xxxiv.

<sup>3</sup> *Ibid.* p. xxxviii.

<sup>4</sup> *Ibid.* p. xxxix. This Commission is printed Prothero, pp. 227 *seq.*

<sup>5</sup> The almoner, two masters of requests, two serjeants-at-law, three doctors-at-law, and the remainder knights and esquires.

Some of these were intended to include the whole realm, others were for the provinces of Canterbury or York separately, and some for the 'special dioceses in analogy more or less close with the ordinary Commissions of the Peace.'<sup>1</sup> The Commissioners, like those of the Peace, were appointed for particular counties, and the whole system seems to have been worked as a rule with the county rather than the diocese as the basis.<sup>2</sup> Commissions were probably issued more frequently for Lancaster than elsewhere and the correspondence of the Earl of Derby reflects the religious turmoil of the Duchy.

Like the Commissioners of Peace also, those appointed for the Ecclesiastical Commission were required to divide the county between them. Once more much work was to be done by conferences, for the Commissioners were desired to meet frequently to discuss measures to be taken, and at least every forty days

<sup>1</sup> *Ecclesiastical Courts Commission*, p. xxxix. See also Dr. Shaw in *Victoria County History, Lancaster*, Vol. II, p. 49. Dr. Shaw points out that the special local and temporary Commissions for ecclesiastical causes must be distinguished from (a) the permanent Ecclesiastical Commission (Court of High Commission) in London, and (b) Diocesan Visitations. Cf. Prothero, *op. cit.* pp. xlv, xlv.

<sup>2</sup> *State Papers Dom. Eliz.*, Vol. XXIII., No. 56 (1562); *ibid.* Vol. XLVI, No. 19 (1568); *Acts of the Privy Council*, June 28, 1574.—Ecclesiastical Commissions for Lancaster, the Bishop of Chester, the Earl of Derby, the Sheriff of Lancaster, with other gentlemen of the county. *State Papers Dom. Eliz.*, Vol. LXXIV, No. 44 (1570).—Concerning the expediency of sending a Commission into Sussex for ecclesiastical causes; *ibid.* Vol. LXVII, No. 38 (1570), Chester. *Acts of the Privy Council*, June 26, 1573.—Letter to the Lord Mayor, the Bishop of London, the Lord Chief Justice, Sir Walter Mildmay, and other names, for uniformity in religion within the city of London and the county of Middlesex. *Ibid.*, March 18, 1592–3.—Letter to the Lord Archbishop of York, the Earl of Huntingdon, and the rest of the Commissioners of the city of York. Cf. also Hist. MSS. Com., *Cowper MSS.*, p. 8 (Lincolnshire); *ibid.* *Hatfield MSS.*, Vol. XI, p. 26. William Cotton, Bishop of Exeter, asks for an ecclesiastical Commission 'for my diocese, which is so far from London, and as large as any almost in England'; *Talbot MSS.*, Vol. N, fol. 136, Vol. I, fol. 79, etc. (Derbyshire); *Stiffkey Papers*, p. 170. Copy of Commission issued to Nicholas Bacon and other Justices for the county of Norfolk.

all commissioned for a particular county were to meet together.<sup>1</sup>

The duties imposed reveal the mind of Crown and Council. Elizabeth boasted that she opened a window into no man's soul. Certainly in the instructions sent out stress was laid primarily upon two things: there must be conformity of practice among the clergy and laity alike; the law of the Church had become part of the law of the land, and the law must be observed. Alongside obedience to the law went obedience and loyalty to the Crown. Behind recusancy was a real political danger. Therefore the instructions to the Commissioners ran that they were not to question persons on religion except concerning non-attendance at church, their devotion to the Pope or the King of Spain, and the maintenance of any Jesuit or seminary priest sent to dissuade subjects from their obedience.<sup>2</sup>

The general duties are indicated in the following letter sent by the Council to the Sheriff and Justices of the Peace in the County of Cornwall:

'After our very hearty commendation.

Whereas by our very good lord, the Earl of Bedford, we have been given to understand to our great contentment of the forward disposition generally of all the county to all good service which now be required on Her Majesty's behalf, and jointly of the good care and diligence which hath been used by some of you to conserve Her Majesty's good subjects in the uniformity of religion established in this realm and the repressing and punishing of such as have been found to deny Her Majesty's royal authority in causes ecclesiastical and so obstinate otherwise as they do refuse to come to the Church in times of sermons and common prayers . . . so in Her Highness' name we do account you worthy of great commendation and most hearty thanks, the which we yield unto you accordingly, and because that we nothing doubt of your good perseverance to hold on this course so very favourable to the trust reposed in you, we have thought meet to put you in remembrance

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. CCXL, No. 42.

<sup>2</sup> *Ibid.*



to have special care to prevent all practices which may be used contrary to the laws and to the disturbance of the good estate and quietness of this realm, and especially to foresee that there be not suffered any disguised persons among you, who under the habits of serving men or artificers (as we are informed). . . . and being indeed massing priests do go about (as authorised from the Pope) to divert the minds of the simple sort from their obedience due to Her Majesty to the following of the superstitious doctrine and ceremonies of the Church of Rome. . . .'<sup>1</sup>

As regards religious observance, the rule enforced was that of attendance at church.<sup>2</sup>

The following instructions were sent by the Council to the Earl of Shrewsbury as Lieutenant, and the Sheriff and other gentlemen of the County of Derby :

'All Justices for the County of Derby shall personally before the 20 November or within fifteen days after the receipt of this letter take the oath which is usual for Justices of the Peace and the oath for Her Majesty's supremacy. Moreover, if any of the Justices of the Peace do not repair to their Church, or if their wives living in the same house with them do not do so, or if their sons or heirs, being above the age of sixteen years and living in the same house or county with their fathers, do not do so, then such Justices of the Peace shall be removed from the Commission.'<sup>3</sup>

Other instructions were set forth in fuller detail. The counties were required to supply the names of supposed or real recusants in the district,<sup>4</sup> while the Council

<sup>1</sup> *Duke of Bedford's MSS.* Cf. also *Acts of the Privy Council*, Sept. 14, 1579.—Letter to the Earl of Bedford, Sheriff, and Justices of the Peace in Cornwall on popery in Cornwall. *Kempe, Loseley MSS.*, No. 98 is a letter to the Justices of Surrey worded similarly to the above.

<sup>2</sup> *State Papers Dom. Eliz.*, Add., Vol. XXVII, No. 21 (1580) : ' . . . all not coming to church to be fined and imprisoned.' Cf. 23 Eliz. c. 1.

<sup>3</sup> *Hist. MSS. Com., Rutland MSS.*, Vol. I, p. 303 (Oct. 20, 1592). On November 18, 1576, two Justices of the Peace were put out of the Commission because of non-attendance at church. They submitted and were restored to the Commission on Dec. 2 (*Acts of the Privy Council*, Nov. 18 and Dec. 2, 1576).

<sup>4</sup> *Talbot MSS.*, Vol. N, fol. 136 ; *Hist. MSS. Com., Rutland MSS.*, Vol. I, p. 281.

constantly sent down directions that search was to be made for certain persons, who when found were to be arrested and kept in safe custody.<sup>1</sup> In some cases the accused were summoned directly to appear before the permanent Court of High Commission in London;<sup>2</sup> sometimes they were examined in their own county, in some instances by the Lieutenant or even by the Mayor of their town, but more often it would seem by the Bishop, the Lieutenant, and others acting together under Commission.<sup>3</sup> They did not escape such examination even when they had been already cited to appear before the Archbishop of Canterbury.<sup>4</sup>

<sup>1</sup> *Talbot MSS.*, Vol. I, fol. 71.—The Privy Council to the Earl of Shrewsbury, Lieutenant of Derby and Stafford, May 30, 1590, to have search made for 'sundry dangerous and suspected persons . . . lurking in the manor house of Sir Thomas FitzHerbert,' appointing either the Lord Talbot or some of his Deputies for the purpose. Fol. 79 of the same volume is a letter of thanks to the Earl for the great care taken in carrying out these orders; cf. also Chetham Soc., New Series, Vol. XII, *Crosby Records*, pp. 21, 22.—Account of the searching of the house of Richard Blandel by the Earl of Derby's men.

<sup>2</sup> *Ibid.* Vol. I, fol. 79.—Sir Richard FitzHerbert to be sent up to London.

<sup>3</sup> Chetham Society, *Crosby Records*, Vol. XII, pp. 21, 22.—(1) Examination of Sir Richard Blandel by the Earl of Derby; (2) Examination by the Bishop and Earl. 'We were all by the Earl's men fetched from Chester and brought to Knowsley . . . where we were severally examined of Chatterton, the Bishop of Chester, who was joined in Commission with the Earl to examine us upon interrogation by the Lords of the Council.' *Acts of the Privy Council*, March 8, 1573-4.—Letter to the Bishop of London, Dr. Wilson, Thomas Randolph, and Henry Knolles, Esq., to examine a recusant. *Hist. MSS. Com., Cowper MSS.*, p. 8.—Examination of a recusant by two Deputy Lieutenants. *Acts of the Privy Council*, Aug. 18, 1588.—Instructions to the Earl of Kent. *State Papers Dom. Eliz.*, Vol. CLXXVIII, No. 3.—Recusants in Winchester examined by the Mayor and others.

<sup>4</sup> *Hist. MSS. Com., Cowper MSS.*, p. 8: ' . . . and because he (John Thimelly) hath informed us that he has received process from the Lord Archbishop of Canterbury to appear at Lambeth before His Grace and others the last of this instant March, and consequently bound for his appearance there at that same day and place, we have taken bond of him in £500 for his personal appearance before us or the one of us before the 11 April next ensuing the date hereof at which time of his appearance we mean to take such order as your lordship shall direct us therein.'—The Deputy Lieutenants of Lincolnshire to the Lord Lieutenant of the County.

After examination they were either kept in safe custody until they could be taken to London to be dealt with according to the law,<sup>1</sup> or they were discharged, which could be done either by order from the Queen or from some of the Privy Council, or by the personal order of the Lieutenant or his Deputies.<sup>2</sup>

A not unusual accusation against arrested recusants was 'conference with others of that sect,' and it was frequently explicitly stated by the Council, in its directions concerning prisoners, that such were not to be allowed to have conference or dealings with any other in custody at the same time.<sup>3</sup>

Those who were not actually arrested were carefully watched. It became one of the special duties of Lieutenants and Deputies to ascertain what armour these possessed for themselves and their servants. Certificates of this had to be sent to the Council,<sup>4</sup> and in many cases it was removed by the Lieutenants by its orders.<sup>5</sup> Their horses were also on occasion taken away,<sup>6</sup> although the practice of requiring them to supply an additional horse for the county band of lances was a more usual one.<sup>7</sup> Their families were watched also, and recusant wives did not escape being dealt with drastically.<sup>8</sup>

<sup>1</sup> *State Papers Dom. Eliz.*, Addenda, Vol. XXVII, No. 21 (1580).

<sup>2</sup> Hist. MSS. Com., *Cowper MSS.*, p. 8.—Recusants to remain in custody until discharged 'either by order from Her Majesty or some of Her Highness' most honourable Privy Council, or else by the Lord Lieutenant of this said county or his said Deputies or two of them at the least.' Cf. Chetham Soc., *Crosby Records*, Vol. XII, p. 22.—'I had a licence obtained from the Earl of Derby . . . was again dismissed by his honour's warrant.'

<sup>3</sup> *Ibid.*

<sup>4</sup> *Acts of the Privy Council*, January 8, 1592-3.

<sup>5</sup> *State Papers Dom. Eliz.*, Vol. XXVII, No. 21 (1580); *Talbot MSS.*, Vol. I, fol. 290, 292, 295, gives full details of the armour that was taken away from various recusants in Derbyshire.

<sup>6</sup> Camden Soc., *Egerton Papers*, p. 86.

<sup>7</sup> Cf. Hist. MSS. Com., *Rutland MSS.*, Vol. I, pp. 190-1; and *State Papers Dom.*, Vol. CLXXXIV, Nos. 35, 40 (Lancs), No. 45 (Sussex and Surrey).

<sup>8</sup> *Talbot MSS.*, Vol. I, fol. 296.—John Manners, Sheriff, to the Earl of Shrewsbury, Lieutenant. *Acts of the Privy Council*, June 19, 1593.—The Privy Council to the Earl of Huntingdon, Archbishop of York,

Nor did other relatives, for on February 20, 1587, Godfrey Foljambe replied to the Earl of Shrewsbury, Lieutenant of Derbyshire, that he had received his Lordship's letter concerning the apprehension and committing of divers papists, and had apprehended one, the Lady Constance Foljambe,

'my grandmother, and now have her in my custody, whom (by God's help) I shall safely keep and have forthcoming when she shall be called for.'<sup>1</sup>

But there was a far graver danger than either recusant wives or recusant grandmothers.

The practice among families who adhered to the Church of Rome of sending their sons overseas, especially to Douai and Rheims, for their education, was viewed with intense alarm and disapprobation, hence the urgent letters to Lieutenants to ascertain when recusants were so sending away their sons, to certify the names of such, and to take bonds of the parents for any so sent away without licence for their appearance on a fixed date.<sup>2</sup> The authorities in England were well aware of the dangers threatening both Church settlement and Crown from the English Colleges abroad.<sup>3</sup>

Once the coming and going between these centres and England became a matter for anxious consideration for the Government, as was the case during the latter half of the reign, part of the general duty of Lieutenants and Justices was always to keep watch for and arrest those who were called 'massing priests' in the letter to the Justices of Cornwall before quoted, and 'to search out

concerning recusants' wives in the North. *Ibid.* June 25.—Lord Derby to deal with recusant ladies. *Ibid.*, Aug. 26, 1593.—A letter to deans, ordinaries and other officers of Dioceses to inquire as to recusants' wives and servants. Cf. *ibid.*, May 31, 1593.—A Deputy Lieutenant removed from the Commission, his wife being a recusant.

<sup>1</sup> *Talbot MSS.*, Vol. N, fol. 121.

<sup>2</sup> *Acts of the Privy Council*, App., Vol. XXV, Dec. 31, 1593.

<sup>3</sup> Cf. *Records of the English Catholics*. Vol. I. *Douai Diaries*, App. pp. 270–301. No. IV. Englishmen who matriculated at Douai. Nos. V. and VI. Priests sent on the English Mission. No. VII. Exiles and pensioners of Spain.



places used for unlawful assemblies and use of mass,'<sup>1</sup> to discover and report the presence of seminarists, as well as, in the case of the authorities of the south-western maritime counties, to keep careful guard and watch over all suspected landing-places.<sup>2</sup>

### *Economic Regulations*

The Lieutenants often included among their more general duties a certain supervision of the economic organisation of their counties. The enforcement of the regulations concerning the eating of flesh in Lent, promulgated on economic as well as ecclesiastical grounds,<sup>3</sup> was here their particular province, instructions on the subject being regularly issued to them by the Council.<sup>4</sup> This was one of the instances in which the University of Cambridge successfully vindicated its own authority against that of Lord North, Lieutenant of Cambridge-shire. Orders had been sent to him and other Lieutenants concerning the restrictions on the killing and eating of meat in Lent. He had granted a licence to

<sup>1</sup> *Acts of the Privy Council*, June 23, 1590.—Certificate by the Earl of Derby on the apprehension of certain priests.

<sup>2</sup> Cf. *Talbot MSS.*, Vol. IV, fol. 132; *Acts of the Privy Council*, June 28, 1574; *ibid.*, April 20, 1590.—Four seminary priests to be examined by the Bishop of Durham and some 'learned in the laws.' *Hist. MSS. Com.*, *Rutland MSS.*, Vol. I, p. 202.—Instructions by the Lords of the Council to the Earl of Shrewsbury, Lieutenant of Stafford and Derby. *State Papers Dom. Eliz.*, Vol. CCXL, No. 42 (1591).—Proclamation concerning the search in each province, city and port for Jesuits landed in disguise; *Stiffkey Papers*, pp. 168 *seq.* Instructions to the Justices by the sea-coast.

<sup>3</sup> Cf. 5 Eliz. c. 5.

<sup>4</sup> *Hist. MSS. Com.*, *Hatfield MSS.*, Vol. IV, p. 12 (Feb. 22, 1589-90).—A letter from the Privy Council to Lord Burghley to signify Her Majesty's orders for the due observation of Lent within the several counties of his Lieutenancy. Cf. also *State Papers Dom. Eliz.*, Vol. CCXXXVIII, No. 33.—The Privy Council to Lord Cobham, Lord Warden and Lord Lieutenant of Kent, telling him to take extraordinary care that the statutes against killing and eating flesh in Lent should be duly enforced, as many cattle had been lost from last year's dryness. *Acts of the Privy Council*, Feb. 23, 1589-90.—Letters to Lords Lieutenants for restraint of killing and eating flesh in Lent.

the Cambridge butchers both to kill and sell flesh. He was thereupon informed by the Council that the University had a charter to oversee victuals and victuallers, and since his orders might infringe the liberty and ancient privileges of the 'said University,' the Lords pointed out that it was not their intention to give his lordship 'any authority to impugn and break the ancient privileges and jurisdiction granted and confirmed to them by special charters.' He was therefore to leave the oversight of victuals to the Vice-Chancellor.<sup>1</sup>

The Lieutenants seem also to have been expected to supervise the supply of foodstuffs which was necessary to meet the needs of the navy. For this purpose, as in the case of purveyance, certain counties were required to supply certain provisions at fixed prices. According to a document of 1586, drawn up by the General Surveyor for Victuals for the Sea, which is endorsed by Lord Burghley, these provisions were taken from the counties as follows <sup>2</sup>:

*Oxen :*

Stafford and Leicester, Warwick and Northampton, Lincoln and Rutland, Beds and Bucks, Derby and Notts, Worcester and Salop, Somerset, Gloucester and its Liberties, the butchery of London.

*Oxen, Wheat and Malt :*

Sussex, Dorset, Wilts, Berks, Essex, Hunts, Hants.

*Wheat and Malt :*

Kent, Surrey, Herts, Oxford.

*Wheat, Malt, Butter :*

Norfolk.

*Wheat, Malt, Cheese, Butter :*

Suffolk.

<sup>1</sup> *Acts of the Privy Council*, March 17, 1589-90. *Arch. Univ. Oxon.*, W.P.B. 16 (Bodleian Library) is a collection of licences, issued by the Vice-Chancellor, giving certain persons permission to eat flesh in Lent. The earliest is dated March 4, 1611, and was issued to Mrs. Margaret Brocke, widow.

<sup>2</sup> Bruce, *Report*, App. xxxiv.

The quantities required from each county, as well as the prices, were fixed by the Council; and on occasion dissatisfaction was felt on both sides. That same year Lord Hunsdon, as Lieutenant of Norfolk, found occasion to reprove the Sheriff, Justices, and other authorities, writing :

‘Whereas by my letters of the 24 February last I wrote unto you touching the provision of 500 qrs. of wheat and 60 barrels of butter, wherein I omitted 600 qrs. of malt, so allotted to be had out of your shire for Her Majesty’s special service touching the victualling of her navy royal, and by my said letters I did require you to assemble yourselves together in your several divisions and to appoint the provisions to be forthwith had and delivered at the waterside at reasonable prices . . . and now Mr. B—— is returned and has shown me a letter from you, Mr. Sheriff, wherein you require the delivery out of your shire but of 200 qrs. of wheat and for butter you speak nothing at all. You shall understand that the portion allotted for your shire was 1000 qrs. of wheat and 800 qrs. of malt, which by my means was reduced to 500 qrs. wheat and 600 qrs. malt. Much marvelling that you, Mr. Sheriff, and the rest of the Justices and Commissioners are so careless for Her Majesty’s great service, being (as I am informed) so great store in your shire. And therefore Mr. B—— doth now again send down his purveyor with Her Majesty’s Commission for the wheat and malt requiring your aid and furtherance . . .’<sup>1</sup>

The Commissioners for the Restraint of Grain and Corn, called by Mr. Cunningham ‘a most active body,’<sup>2</sup> were also closely associated with the Lieutenant, even when he was not one of them himself. In addition to the many stringent regulations concerning the importation and exportation of corn, the Privy Council were always accustomed in the years of scarcity of grain to issue letters to the various counties regulating its

<sup>1</sup> Signed letter from Lord Hunsdon to the Sheriff, Justices of the Peace, Commissioners for the Restraint of Grain, and the Deputy Lieutenants for Norfolk.—*The Duke of Bedford’s MSS.*

<sup>2</sup> *Growth of English Industry, Modern Times*, I, p. 85.

distribution and restraining 'engrossing.' Such letters were often sent direct to the Lieutenants.<sup>1</sup> But here, as in all other cases of special commissions, the responsibility for the work was thrown upon the rulers of the county as a whole, although the Lieutenant often undertook a general oversight of it and was a useful channel of communication between the county and the Council.<sup>2</sup>

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, IV, p. 52 (July 28, 1590).—The Lords of the Council to Lord Burghley, Lord Lieutenant for Hertfordshire and Essex, on restraining engrossing. *State Papers Dom. Eliz.*, Vol. CLXXVII, No. 82, The Council to the Lords Lieutenants.

<sup>2</sup> The Earl of Bedford (Lieutenant of Devon, Dorset, and Cornwall) to Sir Richard Grenville (Sheriff of Cornwall), May 23, 1579.—'The gentleman whom you sent up hither prayeth for a licence to transport certain corn, whereto, albeit I have small liking, yet in respect of your commendation of him and his late good service, I shall willingly as much as I may further the same.'—*The Duke of Bedford's MSS.*



## CHAPTER VI

### THE END OF THE REIGN

As the Crown grew more lukewarm concerning the Lieutenancy, often leaving the office unfilled on the death of a Lieutenant, the county gentlemen themselves grew more enthusiastic concerning it. The work must often have been extremely hard, quite apart from the manifest difficulties attending the raising of fighting men. The Crown gave small praise and distributed a considerable amount of blame very freely, yet Lord Cromwell probably expressed the feelings of a good many when he wrote to Sir Robert Cecil :

‘ Amongst other occasions the Lieutenancy of Norfolk where I live is not yet disposed of. There liveth not within the county any other of my rang, and for me to live there as a private Justice of the Peace subject to the commands and directions of others I doubt not but you will conceive how displeasing a taste it may have.’<sup>1</sup>

The Lord Lieutenant was well on the way to become the chief man of the county. He still held his commission literally at the pleasure of the Crown, but he was of the opinion, whatever the Crown may have thought about it, that a single was far preferable to a joint-Lieutenancy, and that some attention should be paid to hereditary claims.<sup>2</sup> Yet the position to which

<sup>1</sup> Hist. MSS. Com., *Hatfield MSS.*, Vol. VI, p. 294 (July 29, 1596). There is no mention of Lord Cromwell among the lists of Lieutenants for the last years of the reign.

<sup>2</sup> *Ibid.* Vol. V, p. 340 (Aug. 22, 1595).—Lord William Chandos to Sir Robert Cecil: ‘ Having had intelligence that Her Majesty is purposed presently to appoint new Lieutenants in some counties,

he had attained is in many respects difficult to define, apart from the fact that his was not yet a permanent office, nor did it exist in every county in England. The policy of the Crown in expecting all the gentlemen of the county to take a share in its administration, as much as the growing wealth and importance, social and political, of the squirearchy as a whole, tended to make his position in the corporate life of the county not that of an autocrat, but rather that of first among equals. Even in the sphere that was peculiarly his, that of military organisation, he shared much of the responsibility with his neighbours.

Nor did he yet unite with his office that of *Custos Rotulorum*.<sup>1</sup> The practice for the person appointed Lord Lieutenant to be also appointed Keeper of the Rolls only became common in most counties during the seventeenth, and in some as late as the eighteenth, century, when the Lieutenancy had become, what at the end of the sixteenth century it was only on the way to becoming, a permanent office retained for life, identified with a single county.<sup>2</sup>

Nevertheless, long before that development the office was carrying with it, as Lord Cromwell saw, a certain

and doubting lest, by the secret working of some, she should either dispose the Lieutenancy of this county from him, or conjoin some other in commission with him (either of which would tend much to his disgrace), earnestly entreats Cecil, among many other favours to him, to use his best endeavours with the Queen, Lord Burghley and the rest, that the Lieutenancy, which hitherto hath been committed to his ancestors only, may now be absolutely appointed to himself without associating others with him.'

Six years later he was still Lieutenant of Gloucestershire (*Acts of the Privy Council*, June 3, 1601).

<sup>1</sup> The appointment was, and is, made by a separate instrument under the Great Seal and separate procedure. That the office of *Custos Rotulorum* was as greatly sought after as that of the Lieutenant is shown by the correspondence concerning the appointment in Derbyshire between John Manners, Sir John Zouche, and Sir Thomas Bromley (*Hist. MSS. Com.*, *Rutland MSS.*, Vol. I, pp. 120 seq.).

<sup>2</sup> This became the rule; there remained exceptional instances of two counties joined for the Lieutenancy even in the nineteenth century.

dignity which made men eagerly seek for the honour of filling it. In his community the Lieutenant not only rapidly became the important person socially, but the practice soon arose of making him arbitrator in all kinds of disputes and difficulties. Lord Hunsdon, in his letter to the Sheriff and Justices of Norfolk, represented himself as mediating between them and the demands of the Crown. The Lieutenants were often able to do this. They were often also mediators in the inevitable differences that arose within the county itself. It was once again part of the policy of the Crown and Council that they should be so. Those authorities were determined that they would at all costs not allow quarrelling among those who served them, reflecting possibly that quarrels which seemed trivial had before now removed a dynasty from the throne, or brought members of the Council themselves to the block. 'We do perceive,' they wrote to the Earl of Bath,

'how these unkind differences between gentlemen of quality that bear office underneath your lordship may breed to further disturbance, faction and division in the county . . . your lordship shall do well, having authority over them, to carry an even hand in those occasions, and to seek by your good mediation to reduce them to good friendship and to agree in those matters which concern Her Majesty's service. . . .'<sup>1</sup>

It became definitely part of the Lieutenant's duty to mediate whenever possible in disputes of all kinds, sometimes calling to his aid an informal committee of his neighbours.<sup>2</sup>

<sup>1</sup> Hist. MSS. Com., *Duke of Somerset's MSS.*, p. 40.

<sup>2</sup> *Acts of the Privy Council*, Aug. 11, 1577.—Letter to the Lord Marquis of Winchester and the Justices in Dorset to examine a quarrel between Sir Henry Ashley and George Turberville, gentleman. *Ibid.*, May 31, 1579.—Letter to the Earl of Bedford to call certain other gentlemen of the county 'for his better assistance' in dealing with a quarrel. *Ibid.*, Oct. 23, 1577.—Letter to the Earl of Bedford to inquire

The quarrels, disputes, and differences that had to be settled in this way often sound ludicrous, yet the substitution of this informal and entirely unofficial jurisdiction of a man's neighbours for that of the law courts affected the whole character of English administration.<sup>1</sup>

The position of the Lieutenant with regard to the towns within his county is as difficult to define as his position among his brother squires. It was only in the case of the musters that the Lieutenant had definite authority over the towns, and even here there had been a certain amount of compromise. All other influence he could exercise must have been entirely due to his social position in the county. Yet this was not without significance. The correspondence between the towns and the Lieutenants suggests on the whole cordial relations, no doubt largely dependent upon the fact that there was no gulf between the towns and the country such as existed on the Continent. Also, a great man of the district could often do much for the town, act as its advocate with the Crown, or secure help for its inhabitants in a time of

into quarrel and great disorder between Sir John Killigrew, Knight, and Ambrose Digby, Esquire. *Ibid.*, July 7, 1578.—Letter to the Earl of Huntingdon to deal with dispute between Ralph Lever and the Widow Browne. *Ibid.*, June 19, 1573.—Letter to the Lord Bishop of Norwich to deal with a complaint by a joiner concerning alleged unlawful detention of land by his uncle. *Ibid.*, 5 Sept. 1589.—Five gentlemen nominated by the Lieutenant of Dorset and the Privy Council to inquire into a quarrel between Sir Henry Ashley and Sir Matthew Arundel of Dorset and Wilts. Sir Matthew immediately hastened to give Sir Robert Cecil, 'you, known to be the only true pillar of our English justice,' his own version of the affair.—*Cf.* Hist. MSS. Com., *Hatfield MSS.*, Vol. III, p. 433.

<sup>1</sup> *State Papers Dom. Eliz.*, Vol. XCVII, No. 2.—' . . . upon the consent of both parties mediation may be made by order of you our Lieutenant, and so the same may be compounded, wherein surely much good may be proved and occasion given to concord and quiet.' *Cf. Acts of the Privy Council*, 15 Sept. 1589. A letter to two gentlemen of Dorset to use their best endeavours for a renewal of friendship between Sir M. Arundel and Sir H. Ashley 'for the furtherance of her Majesty's service there in the country, which may otherwise receive hindrance.'



stress.<sup>1</sup> In return he was deferred to, was given a voice in many matters concerning the town, and was able to exercise no small political influence.

The evidence for and against the packing of the Tudor Parliaments has been summarised by Dr. Tanner.<sup>2</sup> A certain number of letters extant show that in some cases, perhaps in many cases, the towns were content to leave the nomination of their burgesses to the leading landowner of the district.<sup>3</sup> The indirect influence exerted must have been even more frequent.

The following letter suggests that the Lieutenant and his Deputies had sometimes considerable power over officials of the towns within their counties, as well as a voice in the election of the burgesses. The Privy Council, writing to the Earl of Shrewsbury, then Lieutenant of Stafford, Derby, and Nottingham, October 12, 1590, 'or in his absence to his Deputy Lieutenants,' said that a certain John Hine had been called before them, and having been in the Marshalsea had submitted and asked pardon, which pardon might be granted.

' . . . Forasmuch as he hath relinquished the office of Recordership of the town of Doncaster, leaving the same

<sup>1</sup> In 1587 the plague was raging in Chesterfield, and the townsmen wrote to the Earl of Shrewsbury, Lieutenant of Derbyshire, asking that some aid might be given them; whereupon the Earl wrote to the Sheriff and Justices of the Peace for Derbyshire, reproved them for their forgetfulness and 'cold devotion,' and ordered them to make an immediate levy for the relief of the town. Hist. MSS. Com., *Rutland MSS.*, Vol. I, pp. 217, 242.

<sup>2</sup> *Op. cit.* pp. 518 seq.

<sup>3</sup> Hist. MSS. Com., *Rutland MSS.*, Vol. I, Sept. 22, 1586.—David Watson, William Smythe, and William Thornton of Retford to the Earl of Rutland: they understand his lordship wishes to nominate one or both members. 'We consider ourselves bound to satisfy you in that and any other much weightier thing. May it please you therefore to make choice and nominate and we will ratify it. If it please you to think well of Mr. Denzil Holles we should be very glad, but if not as your lordship pleases.' Cf. Moule, *Weymouth and Melcombe Regis Documents*, IV, No. 15.—The Earl of Bedford wishes to nominate the new member and asks for paper 'with a blank for the name'; see also letters printed from Dasent, Tanner, *op. cit.* pp. 524, 525.

to be disposed of at your Lordship's good pleasure and discretion, entreating pardon for his rash and unadvised acceptance of the said office and his standing in defiance of his supposed interest therein. . . .'<sup>1</sup>

How far the subservient note sounded in this and other letters is an absolutely true one is difficult to judge. In the political world, as in the social, the towns were to remain subordinate to the country for another two centuries; but for all the characteristic Elizabethan note of exaggerated humility in John Hine's letter, the towns were not in the sixteenth century conscious of oppression by the class represented by the Earl, since there was no real divergence of interests between the two.

For themselves the Tudors had attained what they desired. Neither the Lieutenants, nor the Deputies, nor the Justices of the Peace, nor the levies, in spite of their deficiencies, had played the Crown false. No crowned head perhaps was ever better served than was Elizabeth by her country squires. But it was the peculiar merit of the rule that enforced the supremacy of the Crown as it had never been enforced in England before, that, while insisting on that supremacy, at the same time it engendered in those ruled a sense of responsibility to the commonwealth and to the particular community in which they found themselves.

The characteristic appeal to law and custom which made obedience to the will of the sovereign appear as obedience to the law of the land; the insistence upon the responsibility of all, but the special responsibility of those who, as officers of Church or State, or citizens of a corporate town, occupied privileged positions, for the welfare of the commonwealth, had an enduring

<sup>1</sup> *Talbot MSS.*, Vol. I, fol. 91. This letter goes on to say, touching the election of the two mayors and which of them may be established as most lawfully chosen according to the charter of the town, that the decision is to be left to the Council at York.

effect upon the history of England as a whole, as well as upon the history of societies within it.

At the back of the Tudor methods of government was possibly, even probably, the entirely selfish but simple aim of keeping themselves on the throne. They succeeded in accomplishing their object, but the keynote of their policy, whether they were dealing with Church, or Parliament, or the squirearchy, was discipline, not destruction. The authority which was exercised so drastically acted as a national tonic after the general disorder of the fifteenth century. But the people of England were not robbed of their self-respect ; and what possibilities of growth and development existed in the various societies and communities became abundantly evident later, when politics were less clear-cut and simple than they were when Deputy Lieutenant John Manners wrote to Sir Thomas Cockayne, High Sheriff of Derbyshire :

‘ Although there be matters in variance betwixt us, yet I trust those will be no hindrance to your good devotion to further Her Majesty’s service.’ <sup>1</sup>

<sup>1</sup> Hist. MSS. Com., *Rutland MSS.*, Vol. I, p. 208.





# APPENDICES

## APPENDIX A

### THE TITLE OF LORD LIEUTENANT

The title of anyone to whom a Commission of Lieutenancy for a county or counties was issued in the sixteenth century was then, as it still is in such a Commission issued to-day, the King or Queen's Lieutenant, or His or Her Majesty's Lieutenant within (or in) the counties of A, B, etc. The customary use of the prefix 'Lord' for all Lieutenants had its origin in the fact that the majority of those who held such Commissions were peers. Commoners were at first frequently spoken of and addressed as Mr. Lieutenant, but by the middle of the reign of Elizabeth it had become usual for them also to be known by the courtesy title of Lord Lieutenant.

## APPENDIX B

### FOUR COMMISSIONS OF LIEUTENANCY

#### I. Notice of Commission of Lieutenancy for the Duke of Somerset (May. 5 Edw. VI)

A Commission to Edward, Duke of Somerset to be the King's Justice to inquire of all treasons, misprisions of treasons, insurrections, rebellions, unlawful assemblies and conventicles, unlawful speaking of words, confederates, conspiracies, false allegations, contempt, falsehoods, negligence, concealments, oppressions, riot, routs, murders, felonies and other evil deeds whatsoever they be. And also of all accessories of the same within the Counties of Bucks and Berks. And to appoint certain days and places for the inquiry thereof. And to be the King's Lieutenant within the said Counties for levying of men, and to fight against the king's enemies and rebels and to execute upon

them the martial law and to subdue all invasions, insurrections, etc., as shall chance[th] to be moved in any place as he shall repair to the limits of the said shires, with a commandment to all officers to assist him. And that the said Commission be not prejudicial to the former Commissions of Oyer and Determiner within the said Counties.

*Royal MSS.* (British Museum), 18 C, XXIV, fol. 88d.

## II. Commission of Lieutenancy for Edward, Earl of Derby (Feb. 8, 1 Mary)

MARY by the grace of God Queen of England, France and Ireland, Defender of the Faith, [etc.] to our dear cousin and counsellor Edward, Earl of Derby, greeting.

Know ye that for the singular trust and great confidence which we have in your approved wisdom, fidelity and discretion, we have assigned, constituted and ordained you to be our Lieutenant within our Counties of Lancaster, Chester, Salop, Flint, and Denbigh, and by these do give full power and authority unto you, that you from time to time may levy, gather and call together all and singular our subjects, of what degree, estate or dignity they or any of them be, dwelling and inhabiting within our said Counties or in any of them, meet and apt for the wars. And them to try, array and put in readiness, and them also and any of them, after their abilities, degrees and faculties, well and sufficiently to cause to be armed and sufficiently weaponed. And to take the musters of them from time to time in places most meet for that purpose after your good discretion. And also the same our subjects so arrayed, tried and armed, as well men of arms as other horsemen, archers and footmen, to send and conduct as well against all and singular our enemies as against all and singular rebels, traitors and other offenders and their adherents against us, our [crown?] and dignity within our said Counties, or in any of them, from time to time as oft[en] as need shall require by your discretion, and with the said enemies, rebels and traitors to fight and them to invade, repress, subdue, slay and put to execution of death by all ways and means, by your said good discretion. And to do, fulfil and execute all and singular other things which shall be requisite for the levying and government of our said subjects, conservation of our person and peace, so by you in form

aforesaid levied and to be led. Wherefore we will and command you that with all diligence you do execute the premisses with effect. And further we will and command all and singular our Justices of Peace, Sheriffs, Bailiffs, Constables, Headboroughs, and all other our officers, ministers, and subjects, of what estate, degree, or dignity soever they be, within our said counties, and any of them to whom it shall appertain, that they and any of them from time to time shall be attendant, aiding, assisting, counselling, helping, and at your commandment in the due execution hereof, as they and any of them tender our pleasure and will answer to the contrary at their utmost peril. In witness whereof we have caused these our letters to be made patent and to endure and continue during our pleasure. Witness our self at Westminster the 8th day of February, the first year of our reign.

From a MS. at Knowsley.

The letter has the royal signature at the beginning.

III. De Commissione pro Henrico, Comite Sussexie  
(July 14, 3 & 4 Ph. and Mary)

Rex et Regina, carissimo consanguineo et consiliario suo Henrico, Comiti Sussex preclari ordinis garterii militi, salutem.

Sciatis quod nos, de fidelitate, providencia, strenuitate, industria, diligencia, experientia et integritate vestris plurimum confidentes, assignavimus vos locumtenentem nostrum generalem infra comitatus nostros Norfolkie et Suffolkie ac infra comitatus civitatis nostre Norwici ac vobis potestatem et auctoritatem tenore presencium damus et committimus ad omnes et singulos ligeos et subditos nostros infra predictos comitatus nostros Norfolkie et Suffolkie ac comitatus civitatis Norwici predicti, tam infra libertates quam extra inhabitantes et commorantes, ad guerram habiles, cujuscumque gradus vel condicionis fuerint, convocandum et congregandum et eos arraiandum et triandum, ipsosque juxta eorum gradus facultates bene et defensibiliter armari et muniri faciendum et ad monstra sive monstraciones eorundem in locis magis congruis juxta sanam discreccionem vestram de tempore in tempus capiendum et superintendum. Necnon ad ligeos et subditos nostros predictos arraiatos triatos et armatos, tam homines ad arma ac homines armatos et sagittarios

quam alios homines equites et pedites defensibiles, vobiscum tam in repulsionem et profligationem hostium et inimicorum nostrorum regnum nostrum invadere volentium sive tantum quam in resistenciam et debellacionem quorumcumque predictorum rebellionum vel aliquorum malefactorum infra comitatus et civitatem predictos et eorum adherentium quociens opus fuerit ducendum et duci faciendum. Necnon contra et versus quoscumque hostes et inimicos nostros, dictum regnum nostrum ut prefertur invadentes, ac contra et versus quoscumque proditores rebelles et eorum adherentes, cum dictis subditis nostris sic ut predictum est arraiatis, de tempore in tempus prout opus fuerit pugnandum et debellandum ac eos viis et modis quibus melius sciveritis aut poteritis penitus suppressendum et suffocandum. Et ad omnes et singulas causas criminales tam de morte hominis et membrorum quam ad omnes causas civiles quascumque in armatu et exercitu nostris per vos sic congregandum emergentes seu contingentes audiendum, examinandum et finaliter determinandum. Et omnes et singulos subditos nostros in armatu et exercitu predictis existentes et futuriter regendum et gubernandum. Ac ordinationes, statuta et proclamaciones de tempore in tempus, prout casus exigerit, pro sano et bono regimine exercitus et armatus predicti, ordinandum, statuendum, faciendum et proclamandum ac debiter execucione demandandum. Necnon quoscumque delinquentes et contravenientes attachiandum, capiendum et incarcerandum, eosque tam per penas mortis quam per alias penas membrorum castigandum, infligendum et puniendum. Ac ipsos incarceratos solvendum et deliberandum ceteraque omnia et singula agendum, faciendum et exequendum, que officio nostri locumtenentis qualitercumque pertinent et decent. Ac que pro bono et sano regimine armatus et exercitus nostri predicti juxta sanam discreccionem vestram vobis melius videbitur expedire faciendum. Et ideo vobis mandamus quod circa premissa diligenter intendatis ac ea faciatis et expleatis cum effectu. Damus autem universis et singulis Ducibus, Marcisibus, Comitibus, Vicecomitibus, Baronibus, Militibus, Justiciariis, Maioribus, Viceballivis, Constabulariis, locatenentibus, officiariis, ministris, marinariis, solidariis, aliisque ligeis et subditis nostris quibuscumque, quorum interest aut interesse poterit in hac parte, tenore presencium firmiter in mandatis quod vobis in execucione



premissorum intendentes sint, assistentes pariter et obedientes in omnibus prout decet. In cuius rei testimonium has literas nostras fieri fecimus patentes quamdiu nobis placuerit duraturas.

Teste Rei (*sic*) et Regina apud Westmonasterium  
XIIII die Julii

per ipsos Regem et Reginam

*Patent Roll*, 3 & 4 Ph. and Mary, 917, Part 12, m. 19d.

IV. Transcript of Commission of Lieutenancy for Sir  
Christopher Hatton (Sept. 12, 28 Eliz.)

Elizabeth by the grace of God of England, France and Ireland Queen, Defender of the Faith, etc. To our trusty and well-beloved councillor Sir Christopher Hatton, Knight, our Vice-Chamberlain, greeting.

Know ye that for the great and singular trust and confidence we have in your approved fidelity, wisdom and circumspection, we have assigned, made, constituted and ordained, and by these presents do assign, make constitute and ordain you to be our lieutenant within our County of Northampton, and all corporate and privileged places within the limits or precincts of the same County, as well within liberties as without. And do by these presents give full power and authority unto you that you from time to time may levy, gather, or call together, all and singular our subjects, of what estate, degree, or dignity they or any of them be, dwelling or inhabiting within our said County and within all places corporate and privileged within the limits or precincts of the said County, as well within liberties as without, meet and apt for the wars. And them to try, array and put in readiness and them also, and every of them, after their abilities, degrees, and faculties, well and sufficiently to cause to be armed, and weaponed and to take the musters of them from time to time in places most meet for that purpose, after your good discretion. And also the same our subjects so arrayed, tried, and armed, as well men of arms as other horsemen, archers and footmen of all kinds and degrees meet and apt for the wars, to conduct and lead, as well against all and singular enemies, as also against all and singular rebels, traitors, and other offenders and their adherents against us, our crown and dignity, within our said County and all places corporate and privileged,

within the limits or precincts of the same County, as well within liberties as without, from time to time so often as need shall require by your discretion. And with the said enemies, traitors and rebels, to fight and them to invade, resist, repress and subdue, slay, kill and put to execution of death by all ways and means, by your good discretion. And to do, fulfil and execute, all and singular other things which shall be requisite for the levying and government of our said subjects for the conservation of our person and peace, so by you in form aforesaid levied, and to be led: and to do, execute and use against the said enemies, traitors, rebels and such other like offenders and their adherents as necessity shall require by your discretion the law called the martial law, according to the law martial [*sic*], and of such offenders apprehended or being brought in subjection, to save whom you shall think good to be saved, and to slay, destroy and put to execution of death such and as many of them as you shall think meet by your discretion to be put to execution of death. And further our will and pleasure is, and by these presents we do give unto you full power and authority that in case any invasion of enemies, insurrection, rebellion, riots, routs, or unlawful assemblies or any like offences,<sup>1</sup> in any place of this our realm out of the limits of this our Commission, that then and as often as you shall perceive any such misdemeanours to arise, you, with all the power you can make, shall with all diligence repair to the place where any such invasion, unlawful assembly or insurrection shall happen to be made, to subdue, repress, or reform the same as well by battle or other kind of force as otherwise by the laws of our realm and the law martial according to your discretion. And further we give you full power and authority, for the execution of this our Commission to appoint and assign in our said County and all corporate and privileged places aforesaid, as well within liberties as without, Muster Masters and one Provost Marshal, which Provost Marshal shall execute and use the martial law in case of any invasion or rebellion in conducting any numbers of men of war against the said invaders, traitors or rebels, and during the continuance of such invasion or rebellion. Wherefore we will and command you, our said Lieutenant, that

<sup>1</sup> Some words may have been omitted here. In other Commissions the sentence runs: 'in case any invasion, etc. . . . *shall happen to be moved*, in any place, etc., etc.'

with diligence you do execute the premisses with effect. And forasmuch as it may be there shall be instant cause, as now there is, for you to be attendant upon our person, or to be otherwise employed in our service, whereby this our service of Lieutenancy committed to your fidelity cannot be by you in person executed in such force as we have appointed the same; therefore we give unto you for your better aid and assistance and for the better performance and execution of the same our service, full power and authority to appoint, assign and constitute by your writing under your hand and seal our trusty and well-beloved Sir John Spencer, Knight, Sir Richard Knightley, Knight, and Sir Edward Montague, Knight to be your deputies in this said service in our said County of Northampton in all corporate and privileged places within the limits and precincts of the said County of Northampton as well within liberties as without. And by this our present Commission we give unto the said Sir John Spencer and Sir Richard Knightley and Sir Edward Montague so being by you assigned and appointed as above said, or to any two of them, full power and authority in your absence to do and execute in our said County of Northampton and all corporate and privileged places within the limits or precincts of the same County of Northampton as well within liberties as without, all and every thing and things before by this our Commission assigned and appointed by you to be done and executed. And our pleasure, will and commandment is that your said deputies shall immediately after your letters of deputation to them made as is aforesaid, take charge and care to see every point of this our Commission as fully and perfectly executed in your absence as you yourself ought to have done it if you had been present, and the better to enable them so to do our will and pleasure is that immediately after such deputation made as aforesaid you shall deliver unto them a true transcript of this our Commission subscribed with your hand. And whatsoever you, or in your absence your said deputies, or any two of them as aforesaid, shall do by virtue of this our Commission, and according to the tenor and effect of the same, touching the execution of the premisses or any part thereof, the same shall be by this present discharged in that behalf against us, our heirs and successors. And further we will and command all and singular our Justices of the Peace, Mayors, Sheriffs, Bailiffs, Constables, Headboroughs, and

all other our officers, ministers and subjects meet and apt for the wars within our said County of Northampton and in all corporate and privileged places within the limits or precincts of the said County of Northampton as well within liberties as without, to whom it shall appertain that they and every one of them with their power and servants from time to time shall be attendant, aiding and assisting, counselling, helping and at the commandment as well of you as of your said deputies, or any two of them as above said, in the execution hereof, as they and every of them tender our pleasure and will answer for the contrary at their uttermost perils. In witness whereof we have caused this our letters of Commission to be sealed with our Great Seal, witness ourself at Westminster, the 12th of September in the eight and twentieth year of our reign 1586,

per ipsam Reginam

*Muster Book (Munimenta Antiqua, Northamptonshire, Miscellanea)*, presented to the Northamptonshire Record Society by A. C. Chibnall, Esq.

(The wording of this Commission closely resembles that of the specimen Commission entered on the *Patent Rolls—Elizabeth*, Divers Years, No. 1606—and printed by Prothero, *Select Statutes and Documents*, pp. 154 seq. It is printed here for the purpose of comparison with the three Commissions of earlier date, as well as on account of the interest attached to the name of the Lieutenant and his Deputies.)

## APPENDIX C

### FOUR DOCUMENTS TAKEN FROM THE MUSTER BOOK IN LAMBETH PALACE LIBRARY

- I. Instructions given by the Queen's Majesty to her right trusty and right entirely well beloved Cousin the Duke of Norfolk Earl Marshal of England and Her Highness' Lieutenant of the Counties of Hertford, Essex, Berks, Oxford, Bucks, and Worcester, Hereford, Salop, Monmouth, Middlesex and the City of London etc. 26th May 1559.

*Inprimis,*

Whereas Her Majesty's Commission under her great Seal of England is delivered to the said Duke of Norfolk, whereby



he is made Her Majesty's Lieutenant of the said counties of Hertford, Essex, Surrey, Berks, Oxford, etc. for the governance of the same in order and quiet, and for the repressing of all enemies, rebels and traitors, if any should chance. Her Majesty's pleasure is, that the same Lieutenant cause as soon as he may an assembly to be made of such the Justices of Peace and other ministers of the same shires, as having knowledge of this authority given unto him, may accord and conform themselves to the execution of such good orders, as the said Lieutenant shall appoint for the better governance of the same counties.

*Item*, he shall give order that the late law made for uniformity of Common Prayer and service in the Church may be not only by the ministers of the Church put in due and quiet execution, but also that the Justices of Oyer and Terminer and of Assizes have regard to the inquisition and punishment of such as shall therein offend. And that no man or preacher or teacher be suffered, which shall any wise contrary to the same either preach or teach.

*Item*, whereas by Her Majesty's commandment there were certain musters to be taken within those counties of all manner of persons able for the war and of horses and armour, and to that end, wherein hitherto no good certificate hath been made, the said Lieutenant shall do well at such convenient time, as therefore may best serve, to cause the said musters to be more perfectly taken, and therein to cause such circumspection and diligence to be used, as the same may appear more fully made than hath in times past been.<sup>1</sup>

*Item*, he shall give in charge, and do that he may as well by some public games as otherwise, to advance archery and shooting, according to the good laws therefor provided.

*Item*, he shall give order for the watches and the ordinary beacons to be kept as may best serve to the use of the same.

*Item*, he shall also, before the musters to be had, cause due admonitions to be made to every hundred or rape either by proclamation or otherwise, that every manner of person foresee and provide himself to have such horse, gelding and armour in such sort as by the late laws made for that behalf is ordained, upon pain of forfeiture according to the

<sup>1</sup> In margin, Hertford, Essex, etc. { dux  
Norf.

said law. And for the better execution thereof it shall be very well done, that with the same admonition the brief of the same law with the pain be notified and then may the pains the more reasonable be levied. Wherein if some direct and precise order be followed, it shall be very beneficial to the realm, and most necessary in time of peace to see the same duly executed. And if there shall be found lack of armour or weapon because the parties cannot conveniently have provision thereof upon signification of their several wants there shall be as much help as may be for the supply thereof out of Her Majesty's offices of Ordnance and Armoury upon reasonable prices.

*Item*, amongst other orders to be given within his charge the said Lieutenant shall do very [well ?] to cause the act against rebellion to be published to the people in sundry places ; that they may truly remember the better to keep and stay themselves in good order. And to that end also, if the punishment of vagabonds and of seditious tale tellers be diligently seen to in the beginning it shall be occasion of much quiet in the counties.

Finally, because the burthen and office of execution not only of such orders and rules as shall be devised by the said Lieutenant, but also almost of all other the Queen's Majesty's laws resteth in the Justices of Peace, it shall be necessary to give straight order that no person execute the same office, except according to the laws of the realm he do take a corporal oath therefore provided which of late time hath been much neglected. And that none being appointed in Commission to be a Justice of the Peace being otherwise able by the laws, shall forbear to serve or to take an oath as many also have done, whereby the service of the realm is much decayed. And if it shall appear that some parts of the shires, either by death of any Justice, or by lack of nomination or otherwise do lack an officer for that purpose it shall be well done to consider, if any person may be found meet for his residency and other qualities for such place that the same be signified to the Lord Chancellor or Keeper of the Great Seal, for the time being.

Many other good orders there be which Her Majesty remitteth to the care of the said Lieutenant, praying him not only to devise good orders and rules, but also to understand, and as it were oftentimes to take account of the

Justices' doings therein and not to spare the punishment of any principal officer, that shall shew any wilful negligence in executing of such good orders, for indeed the punishment of one such deserving the same, shall do as much good, as of 40 other inferior persons.

(*Lambeth MSS.*, 247, Part I, fol. 3 *seq.*)

## II. The Manner of Proceeding in the Mustering and Training of the several Counties since the year of our Lord God 1583.

*Degree.*

	<i>Counties.</i>	These Counties were in these years—	
1.	Devon	December 83	{ taxed and ordered to be viewed.
	Cornwall		
	Somerset		
	Wiltshire	April 84	{ sorted under Captains mustered and trained.
	Southampton		
	Sussex		
	Kent	May 85	{ put under Lieu- tenants. training respited in respect of unseason- able weather. training renewed.
	Essex		
	Suffolk		
	Norfolk		
	Surrey		
	Berks		
	Hertford		
	Cambridge	86	
	Huntingdon		
	Lincoln		
	Derby		
	Cheshire	May 85	
2.	Lancaster	{ put under Lieu- tenants taxed and ordered to be trained respited in respect of unseasonable weather. training renewed.	
	Stafford		
	Nottingham		
3.	York	April 86	{ put under Lieu- tenants. training renewed.
		July	
		84	
		85	
		86	

4.	Bucks	85	{	taxed not Mustered
	Bedford			or trained in re-
	Oxon.			spect of the levies
	Berkshire			for the low Coun-
				tries.
	Northampton	86	{	put under Lieu-
				tenants.
	Gloucester	87		ordered to be trained.
5.	Principality of Wales and the English shires annexed thereto.		{	86 May 5
				put under Lieuten-
				ants.
				taxed and appointed to be trained.

*Directions given from time to time for the training of  
the Counties under the first Degree.*

*Directions.*

December	83	{	Abatement of the former numbers for the more ease of the counties in arming them.	
			{	likely bodies.
				ability.
				resident in the county.
April 84		{	To proportion men to their weapons.	
			To provide a quantity of armour.	
			To choose Officers of band.	
			To appoint a day of meeting to attend the Muster Master intended to be sent.	
May 84		{	To take order for the maintenance of Archery.	
			{	A Muster Master sent
				Twice in 2 months.
				4 divisions in every County.
		{	{	4 places in every Division.
				4 days' training by the Captain.
				holidays, half-holidays
				Sundays after noon.
		{	The shot to be trained by themselves.	



		Numbers abated.			
April	85	Weapons sorted and fitted to the persons.			
		Captains to be named gentlemen of the best living in the country or their sons and heirs.			
		Order for training of shot with false fires.			
		half-holidays dispensed with.			
April	5	To appoint decem viri and vinteigne of the readiest persons of every band to instruct the rest.			
		To put the armour in a certain place.			
		To appoint some to survey the armour.			
		To continue the training.			
May	85	Order of training	Shot apart	3 lb. powder to every shot.	
			2 days	4 Corporals over 20 apiece.	
				Every Corporal a part.	
				To limit the number of shot.	
			Armed men	One day to view the persons and their armour.	
			2 days	2 days to instruct them.	
				Rolls to be kept of the names of men and armour.	
				To inquire the observation of former orders	
				Corporals to have care of the pieces.	
				To view the men not trained.	
				To sort the horsemen into bands of 50.	
				To view places of descent that may be fortified with	Scones.
					Trenches.
					Straights.
6	July 85	To appoint Pioneers.			
		To appoint Carriages.			
		To appoint shot upon nags.			
		Justices to find	of the	in cassock of one colour.	
		Petronels	Peace 1,		
		Beacons to be maintained	of the Quor 1		

<sup>1</sup> This is left blank in the MS. The number found by the Justices who were of the quorum was two.

- 6  
July 85 { Disarm Papists.  
To minister an oath to the trained bands.  
To see the privilege places provided with powder.  
To except no retainers.  
Horsebands to be trained.  
Horse to be kept in stable from July to Hollantide.
- July 7  
86 { Certify refusers to find Petronels.  
To cause watches to be kept.  
Apprehend Jesuits and spreaders of rumours.  
To deal with the privilege towns to make provision of match and powder.

*Directions sent into the Counties under the second Degree.*

- June  
85 { Like in all points to that of the maritime counties in the first degree.
- April  
86 { An estimate to be sent of the furniture &c.  
No diet to be allowed, or not above 8*d.* *per diem.*  
No wages to be allowed to Captains.  
(This was for Cheshire and Lancs.)
- July  
86 { To continue training.  
To make choice of persons of ability.  
To appoint Corporals over shot.

*Directions given to the Counties under the third Degree.*

- May  
84 { 10,000 foot to be put in a readiness & 1000 horse.  
E. of Huntington general to have 3000 foot  
E. of Rutland to have . . . 3000  
E. of Cumberland to have . . . 3000  
Lord Darcy to have . . . 1000  
To appoint Captains over 2 or 300.  
To certify what store of armour and of what kinds.  
To certify what store of horses.  
To certify the states of forts.
- July  
86 { The former number for divers { 6000 foot  
reasons alleged by the Earl of { and  
Huntington were abated to . { 400 horse

*Directions given to the Counties under the  
fourth Degree.*

October 86	{	A Muster to be kept.	3 lb. powder to every
			shot.
		Shot to be trained	Instructions to use
		apart.	
	{	The whole band at the	Corporals over 20 and
		first to be viewed.	
	{	The second Muster trained.	30.
		Able persons to be chosen.	
		No retainers to be excepted.	
		The Corporals to have charge of the pieces.	
		To appoint some shot on horseback.	
		To appoint Captains over the bands.	
		To make choice of a Muster Master.	

*Directions to the Welsh Counties under the  
fifth Degree.*

March 86	{	The men to be enrolled to be persons of	Ability of bodies
			and living to bear
	{		the charge.
			Well affected in
	{		religion.
			The bands to be led by gentlemen of the
			country.
			The numbers to be enrolled in the Welsh
			counties to be no more than they are well
			able to bear.
	{		To increase the number of horses.
			The 4 English shires annexed to furnish
			each 600 men to assist in case of invasion
	{		upon that coast.
			2000 men out of Gloucester to repair unto
	{		Milford Haven.

(*Lambeth MSS., 247, Part II., fol. 1.*)

III. Remembrances for the better execution of the Book  
of the Contribution.

The Archbishop of Canterbury to be charged at an Earl  
with 20.

The Bishops of London and Winchester with 20 apiece.

The rest of the Bishops in the Province of Canterbury whose charge of the first fruits are above 200 L to be charged at XII men apiece, and others under the value at 10 apiece.

The Archbishop of York with . . . . .	20
The Bishop of Durham with . . . . .	20
The Bishop of Carlisle with . . . . .	12
The Bishop of Chester with . . . . .	12
<i>Item</i> no Earl to be charged with above . . . . .	14
except he hath sued Livery for . . . . .	200 L

No Baron to be charged above 10 except he have sued Livery to the value of 200 marks.

Every dean of any college, having any benefice with cure or prebendary to be charged with 4 men for the deanery, and one for every benefice or prebendary, and if the dean have a deanery of the value of 100 L, without any benefice or prebendary, to be charged but with one man.

No dean to be charged but with one man, whose living for his deanery is not 100 L except it be in respect of some benefice or prebend[ar]y, and for every of those, to be charged with one man.

Every Archdeacon having besides his Archdeanery any benefice [of] or prebendary to be charged for his Archdeanery, and one for every benefice or prebendary besides, so as he have for his prebendary any dividend.

Every person being beneficed to the value of 20 L in the Queen's Books, and not residing and keeping hospitality upon the same for the most part of the year, to find a Musketeer, and any that hath two Benefices or more, to be charged also with the wages of a Musketeer for every benefice.

And for the Officers of the Chancery and Star Chamber; the Lord Chancellor to take order, that the whole number set down may be provided by the officers, qualifying whom he shall think fit according to their ability, and values of their office.

The Lord Chief Justice of England to do the like for the King's Bench.

The Chief Justice of the Common Pleas the like.

The Lord Treasurer (as Master of the Wards to do the like in the Court of Wards) and likewise in the Exchequer.

The like to be done in the Duchy by the Chancellor there.



The like order to be taken by the Lord Archbishop of Canterbury, for the Arches, the Audience, the Prerogative and Delegate.

The Lord Admiral to do the like for the Admiralty.

The charge of the Household to be by the Treasurer and Green Cloth.

The charge of the Officers of the Chamber and the Pensioners, by the Lord Chamberlain.

*London.*

The Mayor, and Aldermen, being 24, besides the Mayor, to find 4 men, and every Alderman 3, and every Alderman's deputy, one.

Every Company out of which the Lord Mayor may be chosen, to find two men.

Memorandum, that the 2 Chief Justices to take order for the contribution of the Readers and outer Barristers and to increase the numbers of them both as they shall be admitted in the houses, and in like manner to increase the numbers of the attorneys and other officers not remembered.

None that have pensions or annuities to be charged by this order except they have lands also to the same value.

Note that the Corporations of Southampton, Bristol, Exeter, Coventry, Newcastle, York, Norwich, Lyme, to be rated particularly with larger rates than other meaner Corporations.

The great farmers (that are not Justices of Peace, nor that are charged by reason of any offices) to be charged with one man.

*(Lambeth MSS., 247, Part II, fol. 127.)*

IV. A Conference of a good and bad Musterman or his inferior Commissaries of Musters by the fruits to discover the Tree.

*The Good.*

This officer will not willingly serve but with such a competent and convenient entertainment both for himself and his inferior commissaries, clerks and substitutes, as he not take bribe or benevolence; or depend on the favour of any but the General only.

*The Bad.*

This officer careth not how little entertainment certain he have for himself or his substitute, presuming he can make what gain he list of his office, and make such friends thereby, as also may bear him out in his lewdness etc.

*The Good.*

This officer will be in his expenses temperate, rather sparing than wasting, that he be not by want enforced to strain his conscience, and deceive his Prince.

This officer seeketh by all means to cause the General to establish laws and ordinances, whereby orderly entrances and discharges of soldiers may be registered and thereby neither her Majesty nor the soldier abused.

This officer delivereth these laws to his inferior commissaries, with other straight particular instructions, and calleth them to account how they have discharged their duties.

This officer will not set down any penny check certain upon any captain without apparent proof, and for such as cannot be deceived; will respite them for further trial, that neither Prince, captain nor soldier be defrauded or injured.

This officer if any such doubt arise in the checks as he cannot determine by the laws established, he either desireth the resolution of the General or that it may be determined by a Council at War or some Commissioners especially authorised to assist him.

This officer, if the captain show him any reasonable cause to be relieved out of the checks, either in respect of the loss of horse or armour in service or such like he deserveth consideration, he presenteth his

*The Bad.*

Such an officer having so good means to get immeasurable by playing the good fellow, will spend infinitely especially in keeping company with such as must join with him in deceiving the Prince.

Such an officer can no more abide [abide] [*sic*] laws and ordinances in Musters than captains, saying it barreth the officer of his discretion, whereby the office ought to be directed and brave me[n] [*sic*] gratified.

Such an officer likes none of these strict courses, saying among martial men, a man must play the good fellow and not to be too pinching of a Prince's purse.

Such an officer calleth this examination nice curiosity, and sayeth so there be some checks (for fashion sake) it is no matter, make them light enough that the captain be not angry, and all is well, one good fellow must pleasure another.

Such an officer saith it is great folly to lose that prerogative of his office, to resolve these doubts, as he sees cause, and to subject himself to Commissioners that is Master of the Musters himself.

Such an officer will be Chancellor himself, and never trouble the Lord General with these matters, who hath matters of great importance to think upon, saying Prince's purses must not be spared, and brave men must

*The Good.*

proof thereof together with his check, to the Lord General desiring his lordship to have honourable consideration thereof.

This officer, if he see over much familiarity between any of his commissaries and the captains is presently jealous of them and calleth them to account. And if he find them [—]<sup>1</sup> connivent or faulty, presently displaceth them, or if he find no other proof but regiment suspicion, yet removeth them to another garrison and placeth such others in their rooms as may sift and examine their former behaviours.

This officer as he would not (to gain a million) do any captain a penny wrong So will he, not for the favour of the greatest persons in the army or his nearest kin or friend, strain his conscience to abuse his Prince one penny, and therefore present the checks truly as he find it, and leaves all favours to be showed by the Lord General only.

This officer procureth orders also to be established, for training of the soldiers, and himself requireth the captains to perform them and to encourage men to do well, will not spare out of his own purse to give rewards to such shot as he find to be the best marksmen.

*The Bad.*

be rewarded, and officers must get love and honour by dealing bountifully.

Such an officer likes none of these severe jealousies, but liketh well such officers as be plausible and grateful to the captains, knowing the captains be liberal, and will not be ungrateful to him, seeing he minds and hath good means to requite their courtesies ten fold out of the Prince's purse.

Such an officer being of another mind will none of these melancholy courses, he will pleasure his friends and cross his enemies, and make them know he is an officer can please or displease them. But displease them he will not for all that, and for his excuse allegeth that Prince's cook may give a good fellow a breakfast of beef & the butlers and cellarers a cup of wine or beer, and that he will show his friends.

Such an officer will none of this saying it is but a turmoiling of captains and soldiers, and intruding on the captains' offices, to offend and discontent them. And that brave men should not be controlled, or the imperfection of their soldiers discovered by such open exercises, & that such expense are [*sic*] foolish, and makes more enemies than friends.

<sup>1</sup> Erased, illegible.

*The Good.*

This officer will not accept penny, nor pennyworth, of any captain or soldier more than the fee due to his office, & that not as a benevolence secretly, but as his due openly.

This officer reposing himself only on God and his clear conscience, laboureth not to make other friends but his Prince and General, and for the General himself will not strain his conscience any way, though he be sure of many enemies, and small backings. And even to his Prince for faithful service store of false backbiting, yea, the swan must be made a crow, and the falcon a buzzard.

This officer, as he is thus precise himself, as neither to give penny for such an office, nor to receive bribe or benevolence more than due fees, so maketh he a matter of conscience, whilst he carrieth such office, to give to any of his honourable friends any present lest they or others should have cause to suspect, he did it to be borne out in any lewd action.

*The Bad.*

Such an officer will accept any thing, money or ware, so it come secretly and like a good fellow will (on the Prince's purse) requite it ten fold, as easily he may do and none but his fellow thieves able to accuse him.

Such an officer will not only for the General but for any other person of authority strain his conscience any way, and to all other captains also so kind and liberal of her Majesty's purse, as he is generally extolled for a brave man, an honourable officer, an honourable mind, yea, and his Prince also (whom he deceives horribly) shall be persuaded, the daw is an eagle, and the cuckoo, a nightingale.

Such an officer hath no such melancholy conceit, but as he will take lustily, so will he give frankly to them that can bear him out. And such a one, as captains, colonels, great officers and all shall extol, how shall his Prince but like of too, considering the more he robs her, the more friends he makes, and the more he shall be praised. So as if there were no God, the honest were indeed to be begged, for a right natural fool.

(*Lambeth MSS.*, 247, Part II, fol. 73.)



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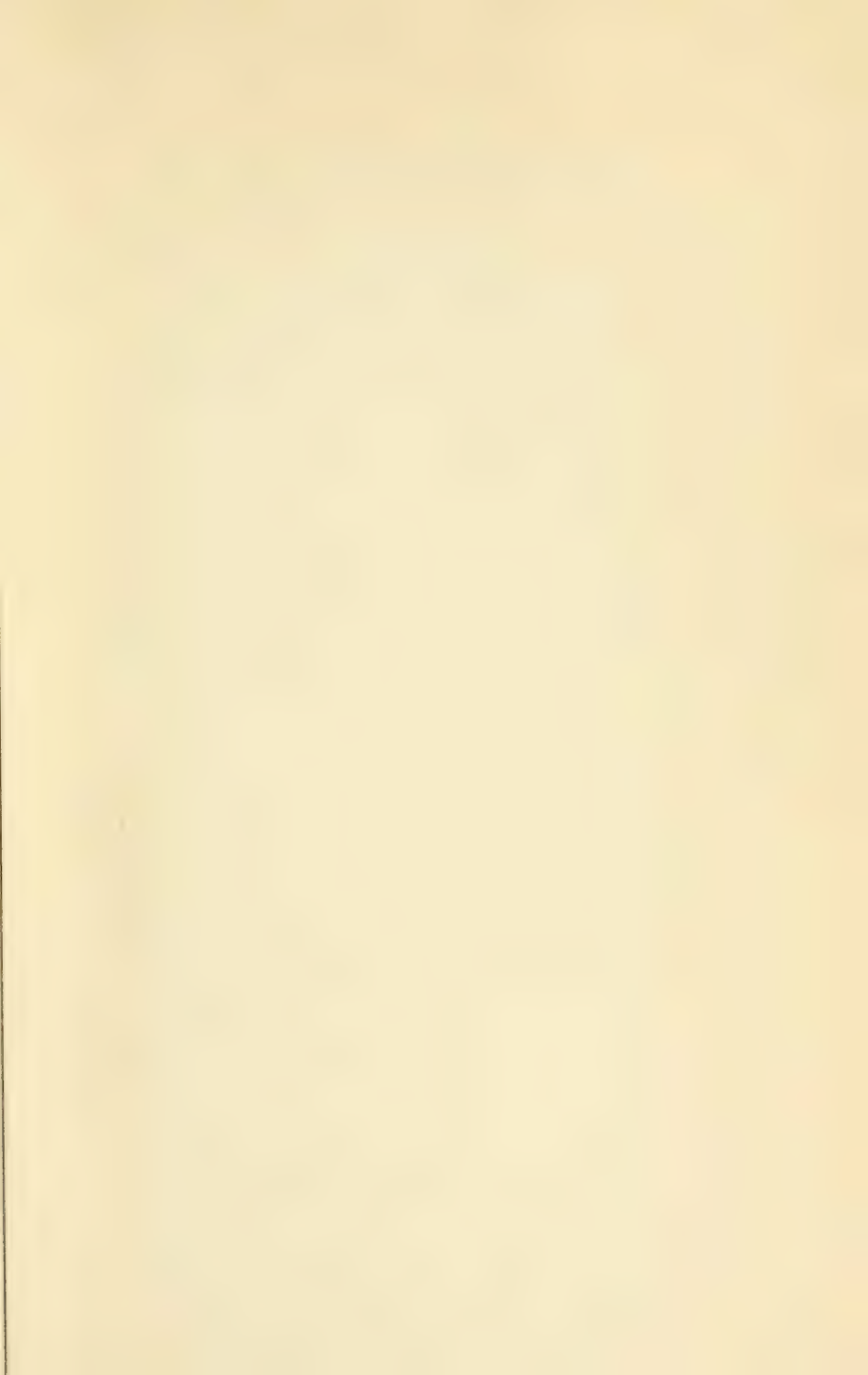
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